

Environmental Protection Agency

Pt. 272

TABLE 1—REGULATIONS ADOPTED NOVEMBER 29, 1985 REGARDING THE BURNING OF USED OIL FOR ENERGY RECOVERY—Continued

[These part 279 provisions will continue to be enforced by EPA]

Former provisions of 40 CFR part 266, subpart E (1992)	Recodified provisions within 40 CFR part 279
Sec. 266.40(d)(1) and (2)	Sec. 279.10(b)(2) and (3)
Sec. 266.40(e)	Sec. 279.11
	Sec. 279.60(c)
Sec. 266.41(a)(1) and (2)	Sec. 279.71
266.41(b)(1) and (2)	Sec. 279.61(a)
	279.23(a)
Sec. 266.42(a)	Sec. 279.60(a)
Sec. 266.42(b)	Sec. 279.70(a)
Sec. 266.42(c)	Sec. 279.60(a)
Sec. 266.43(a)(1)	Sec. 279.70(a) and (b)(1)
Sec. 266.43(a)(2)	Sec. 279.70(b)(2)
Sec. 266.43(b)(1)	Sec. 279.72(a)
Sec. 266.43(b)(2)	Sec. 279.71
Sec. 266.43(b)(3)	Sec. 279.73(a)
Sec. 266.43(b)(4)(i-v)	Sec. 279.74(a)
Sec. 266.43(b)(4)(vi)	not included
Sec. 266.43(b)(5)(i) and (ii) ...	Sec. 279.75(a)
Sec. 266.43(b)(6)(i)	Sec. 279.74(b) and (c)
	279.72(b)
Sec. 266.43(b)(6)(ii)	Sec. 279.74(a)
	Sec. 279.75(b)
Sec. 266.44(a)	Sec. 279.61(a)
	Sec. 279.23(a)
Sec. 266.44(b)	Sec. 279.62(a)
Sec. 266.44(c)	Sec. 279.66(a)
Sec. 266.44(d)	Sec. 279.72(a)
Sec. 266.44(e)	Sec. 279.65(a) and (b)
	Sec. 279.66(b)
	Sec. 279.72(b)

¹ Contains additional new definitions that were not included in the 1985 rule.

² Paragraphs (c)(1) and (2) of § 279.63 contain new exemptions from the rebuttable presumption that were not part of the 1985 rule.

(2) In states that have not been authorized for the RCRA base program, all requirements of Part 279 will be Federally enforceable effective March 8, 1993.

[57 FR 41612, Sept. 10, 1992, as amended at 58 FR 26424, May 3, 1993]

§ 271.27 Interim authorization-by-rule for the revised Corrective Action Management Unit rule.

(a) States shall be deemed to have interim authorization pursuant to section 3006(g) of RCRA for the revised Corrective Action Management Unit rule if:

(1) The State has been granted final authorization pursuant to section 3006(b) of RCRA for the regulation entitled "Corrective Action Management Units and Temporary Units," February 16, 1993 and cited in Table 1 in § 271.1; and

(2) The State notifies the Regional Administrator by March 25, 2002 that

the State intends to and is able to use the revised Corrective Action Management Unit Standards rule as guidance.

(b) Interim authorization pursuant to this section expires on August 30, 2004 if the State has not submitted an application for final authorization.

[67 FR 3029, Jan. 22, 2002]

Subpart B [Reserved]

PART 272—APPROVED STATE HAZARDOUS WASTE MANAGEMENT PROGRAMS

Subpart A—General Provisions

Sec.

272.1 Purpose and scope.

272.2 Incorporation by reference.

272.3–272.49 [Reserved]

Subpart B—Alabama

272.50–272.99 [Reserved]

Subpart C—Alaska

272.100–272.149 [Reserved]

Subpart D—Arizona

272.150 [Reserved]

272.151 Arizona State-administered program: Final authorization.

272.152–272.199 [Reserved]

Subpart E—Arkansas

272.200 [Reserved]

272.201 Arkansas State-administered program: Final authorization.

272.202–272.249 [Reserved]

Subpart F—California

272.250–272.299 [Reserved]

Subpart G—Colorado

272.300–272.349 [Reserved]

Subpart H—Connecticut

272.350–272.399 [Reserved]

Subpart I—Delaware

272.400 State authorization.

272.401 State-administered program: Final authorization.

272.402–272.449 [Reserved]

Subpart J—District of Columbia

272.450–272.499 [Reserved]

Pt. 272

Subpart K—Florida

272.500 [Reserved]
272.501 Florida State-administered program:
Final authorization.
272.502–272.549 [Reserved]

Subpart L—Georgia

272.550–272.599 [Reserved]

Subpart M—Hawaii

272.600–272.649 [Reserved]

Subpart N—Idaho

272.650 State authorization.
272.651 Idaho State-administered program:
Final authorization.
272.652–272.699 [Reserved]

Subpart O—Illinois

272.700 State authorization.
272.701 State-administered program: Final
authorization.
272.702–272.750 [Reserved]

Subpart P—Indiana

272.751 Indiana State-administered pro-
gram: Final authorization.
272.752–272.799 [Reserved]

Subpart Q—Iowa

272.800–272.849 [Reserved]

Subpart R—Kansas

272.850–272.899 [Reserved]

Subpart S—Kentucky

272.900–272.949 [Reserved]

Subpart T—Louisiana

272.950 [Reserved]
272.951 Louisiana State-administered pro-
gram: Final authorization.
272.952–272.999 [Reserved]

Subpart U—Maine

272.1000–272.1049 [Reserved]

Subpart V—Maryland

272.1050–272.1099 [Reserved]

Subpart W—Massachusetts

272.1100–272.1149 [Reserved]

Subpart X—Michigan

272.1150 State authorization.

40 CFR Ch. I (7–1–12 Edition)

272.1151 State-administered program: Final
authorization.
272.1152–272.1199 [Reserved]

Subpart Y—Minnesota

272.1200 [Reserved]
272.1201 Minnesota State-administrated pro-
gram: Final authorization.
272.1202–272.1249 [Reserved]

Subpart Z—Mississippi

272.1250–272.1299 [Reserved]

Subpart AA—Missouri

272.1300 State authorization.
272.1301 State-administered program: Final
authorization.
272.1302–272.1349 [Reserved]

Subpart BB—Montana

272.1350 [Reserved]
272.1351 Montana State-Administered Pro-
gram: Final Authorization.
272.1352–272.1399 [Reserved]

Subpart CC—Nebraska

272.1400–272.1449 [Reserved]

Subpart DD—Nevada

272.1450–272.1499 [Reserved]

Subpart EE—New Hampshire

272.1500–272.1549 [Reserved]

Subpart FF—New Jersey

272.1550–272.1599 [Reserved]

Subpart GG—New Mexico

272.1600 [Reserved]
272.1601 New Mexico State-administered
program: Final authorization.
272.1602–272.1649 [Reserved]

Subpart HH—New York

272.1650 [Reserved]
272.1651 New York State-administered pro-
gram: Final authorization.
272.1652–272.1699 [Reserved]

Subpart II—North Carolina

272.1700–272.1749 [Reserved]

Subpart JJ—North Dakota

272.1750 [Reserved]
272.1751 North Dakota State-administered
program: Final authorization.
272.1752–272.1799 [Reserved]

Environmental Protection Agency

§ 272.2

Subpart KK—Ohio

272.1800 State authorization.
272.1801 State-administered program; Final authorization.
272.1802–272.1849 [Reserved]

Subpart LL—Oklahoma

272.1850 [Reserved]
272.1851 Oklahoma State-administered program; Final authorization.
272.1852–272.1899 [Reserved]

Subpart MM—Oregon

272.1900–272.1949 [Reserved]

Subpart NN—Pennsylvania

272.1950–272.1999 [Reserved]

Subpart OO—Rhode Island

272.2000–272.2049 [Reserved]

Subpart PP—South Carolina

272.2050–272.2099 [Reserved]

Subpart QQ—South Dakota

272.2100 [Reserved]
272.2101 South Dakota State-Administered Program; Final Authorization.
272.2102–272.2149 [Reserved]

Subpart RR—Tennessee

272.2150–272.2199 [Reserved]

Subpart SS—Texas

272.2200 [Reserved]
272.2201 Texas State-administered program; Final authorization.
272.2202–272.2249 [Reserved]

Subpart TT—Utah

272.2250 [Reserved]
272.2251 Utah State-Administered program; Final authorization.
272.2252–272.2299 [Reserved]

Subpart UU—Vermont

272.2300–272.2349 [Reserved]

Subpart VV—Virginia

272.2350–272.2399 [Reserved]

Subpart WW—Washington

272.2400–272.2449 [Reserved]

Subpart XX—West Virginia

272.2450–272.2499 [Reserved]

Subpart YY—Wisconsin

272.2500 [Reserved]
272.2501 Wisconsin State-administered program; final authorization.
272.2502–272.2549 [Reserved]

Subpart ZZ—Wyoming

272.2550–272.2599 [Reserved]

Subpart AAA—Guam

272.2600–272.2649 [Reserved]

Subpart BBB—Puerto Rico

272.2650–272.2699 [Reserved]

Subpart CCC—Virgin Islands

272.2700–272.2749 [Reserved]

Subpart DDD—American Samoa

272.2750–272.2799 [Reserved]

Subpart EEE—Commonwealth of the Northern Mariana Islands

272.2800–272.2849 [Reserved]

APPENDIX A TO PART 272—STATE REQUIREMENTS

AUTHORITY: Secs. 2002(a), 3006, and 7004(b) of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, as amended, 42 U.S.C. 6912(a), 6926, and 6974(b).

SOURCE: 51 FR 3955, Jan. 31, 1986, unless otherwise noted.

Subpart A—General Provisions

§ 272.1 Purpose and scope.

This part sets forth the applicable State hazardous waste management programs under section 3006(b) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. 6926, and 40 CFR 260.10. “State” is defined in 42 U.S.C. 1004(31) as “any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.”

[58 FR 3500, Jan. 11, 1993]

§ 272.2 Incorporation by reference.

Material listed as incorporated by reference in part 272 was approved for

incorporation by reference by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Material is incorporated as it exists on the date of the approval, and notice of any change in the material will be published in the FEDERAL REGISTER. Copies may be obtained or inspected at EPA Resource and Conservation Recovery Act (RCRA) Docket Information Center (5305G), 1200 Pennsylvania Ave., NW., Washington, DC 20460 and at the appropriate EPA Regional Office. Copies may be inspected at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html. For an informational listing of the State and local requirements incorporated in part 272, see appendix A to this part.

[58 FR 3500, Jan. 11, 1993, as amended at 69 FR 18803, Apr. 9, 2004]

§§ 272.3–272.49 [Reserved]

Subpart B—Alabama

§§ 272.50–272.99 [Reserved]

Subpart C—Alaska

§§ 272.100–272.149 [Reserved]

Subpart D—Arizona

§ 272.150 [Reserved]

§ 272.151 Arizona State-administered program: Final authorization.

(a) Pursuant to section 3006(b) of RCRA, 42 U.S.C. 6926(b), Arizona has final authorization for the following elements as submitted to EPA in Arizona's base program application for final authorization which was approved by EPA effective on December 4, 1985. Subsequent program revision applications were approved effective on October 7, 1991, September 11, 1992, January 22, 1993, December 27, 1993, and June 12, 1995.

(b) *State Statutes and Regulations.* (1) The Arizona statutes and regulations cited in this paragraph are incorporated by reference as part of the haz-

ardous waste management program under Subtitle C of RCRA, 42 U.S.C. 6921 et seq.

(i) EPA Approved Arizona Statutory Requirements Applicable to the Hazardous Waste Management Program, June 1995.

(ii) EPA Approved Arizona Regulatory Requirements Applicable to the Hazardous Waste Management Program, June 1995.

(2) The following statutes and regulations concerning State enforcement, although not incorporated by reference, are part of the authorized State program:

(i) *Arizona Laws Relating to Environmental Quality*, 1993 edition, reprinted from *Arizona Revised Statutes*, Title 49, Sections 49-141 through 49-144; 49-261 through 49-265; 49-287; 49-923 through 49-926; 49-928; and 49-943.

(ii) *Arizona Administrative Code*, Title 18, Chapter 8, December 31, 1994, Sections R18-8-260.D; R18-8-271.F through R18-8-271.Q; and R-18-8-280.

(3) The following statutory and regulatory provisions are broader in scope than the Federal program, are not part of the authorized program, and are not incorporated by reference:

(i) *Arizona Laws Relating to Environmental Quality*, 1993 edition, reprinted from *Arizona Revised Statutes*, Title 49, Sections 49-901 through 49-905; 49-922.01; 49-927; 49-929 through 49-942; and 49-944.

(ii) *Arizona Administrative Code*, Title 18, Chapter 8, December 31, 1994, Sections R18-8-261.J; R18-8-261.L; R18-8-269; and R18-8-270.G.

(4) *Memorandum of Agreement.* The Memorandum of Agreement between EPA Region IX and the Arizona Department of Environmental Quality, signed by the EPA Regional Administrator on June 20, 1991, is referenced as part of the authorized hazardous waste management program under Subtitle C of RCRA, 42 U.S.C. 6921 et seq.

(5) *Statement of Legal Authority.* "Attorney General's Statement for Final Authorization", signed by the Attorney General of Arizona on September 13, 1984, and revisions, supplements and addenda to that Statement dated November 22, 1989, October 31, 1990, August 23, 1993 (two documents), and February 3, 1995, are referenced as part of

Environmental Protection Agency

§ 272.201

the authorized hazardous waste management program under Subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

(6) *Program Description.* The Program Description and any other materials submitted as part of the original application or as supplements thereto are referenced as part of the authorized hazardous waste management program under Subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

[60 FR 44279, Aug. 25, 1995]

§§ 272.152–272.199 [Reserved]

Subpart E—Arkansas

§ 272.200 [Reserved]

§ 272.201 Arkansas State-administered program: Final authorization.

(a) Pursuant to section 3006(b) of RCRA, 42 U.S.C. 6926(b), the EPA granted Arkansas final authorization for the following elements as submitted to EPA in Arkansas' Base program application for final authorization which was approved by EPA effective on January 25, 1985. Subsequent program revision applications were approved effective on May 29, 1990; November 18, 1991; December 4, 1992; December 21, 1994, June 24, 2002, October 15, 2007, and August 27, 2010.

(b) The State of Arkansas has primary responsibility for enforcing its hazardous waste management program. However, EPA retains the authority to exercise its inspection and enforcement authorities in accordance with sections 3007, 3008, 3013, 7003 of RCRA, 42 U.S.C. 6927, 6928, 6934, 6973, and any other applicable statutory and regulatory provisions, regardless of whether the State has taken its own actions, as well as in accordance with other statutory and regulatory provisions.

(c) *State Statutes and Regulations.* (1) The Arkansas statutes and regulations cited in paragraph (c)(1)(i) of this section are incorporated by reference as part of the hazardous waste management program under Subtitle C of RCRA, 42 U.S.C. 6921 *et seq.* This incorporation by reference is approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies of the Arkansas statutes that are incorporated by ref-

erence are available from Michie Publishing, 1275 Broadway Albany, New York 12204, Phone: (800) 223-1940. Copies of the Arkansas regulations that are incorporated by reference are available from the Arkansas Department of Environmental Quality Web site at <http://www.adeg.state.ar.us> or the Public Outreach Office, ADEQ, Post Office Box 8913, Little Rock, AR 72219-8913, Phone: (501) 682-0923. You may inspect a copy at EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202 (Phone number (214) 665-8533), or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to <http://www.archives.gov/federal-register/cfr/ibr-locations.html>.

(i) The Binder entitled "EPA Approved Arkansas Statutory and Regulatory Requirements Applicable to the Hazardous Waste Management Program", dated October 2007.

(ii) [Reserved]

(2) The following provisions provide the legal basis for the State's implementation of the hazardous waste management program, but they are not being incorporated by reference and do not replace Federal authorities:

(i) Arkansas Code of 1987 Annotated (A.C.A.), 2000 Replacement, Title 4, Business and Commercial Law, Chapter 75: Section 4-75-601(4) "Trade Secret".

(ii) Arkansas Code of 1987 Annotated (A.C.A.), 2000 Replacement, Title 8, Environmental Law, Chapter 1: Section 8-1-107.

(iii) Arkansas Hazardous Waste Management Act of 1979, as amended, Arkansas Code of 1987 Annotated (A.C.A.), 2000 Replacement, Title 8, Environmental Law, Chapter 7, Subchapter 2: Sections 8-7-205 through 8-7-214, 8-7-217, 8-7-218, 8-7-220, 8-7-222, 8-7-224 and 8-7-225(b) through 8-7-225(d).

(iv) Arkansas Hazardous Waste Management Act of 1979, as amended, Arkansas Code of 1987 Annotated (A.C.A.), 2005 Supplement, Title 8, Environmental Law, Chapter 7, Subchapter 2: Sections 8-7-204 (except 8-7-204(e)(3)(B)), 8-7-227.

(v) Arkansas Resource Reclamation Act of 1979, as amended, Arkansas Code of 1987 Annotated (A.C.A.), 2000 Replacement, Title 8, Environmental

Law, Chapter 7, Subchapter 3: Sections 8–7–302(3), 8–7–303, 8–7–308.

(vi) Remedial Action Trust Fund Act of 1985, as amended, Arkansas Code of 1987 Annotated (A.C.A.), 2000 Replacement, Title 8, Environmental Law, Chapter 7, Subchapter 5: Sections 8–7–505(3), 8–7–507, 8–7–511.

(vii) Remedial Action Trust Fund Act of 1985, as amended, Arkansas Code of 1987 Annotated (A.C.A.), 2005 Supplement, Title 8, Environmental Law, Chapter 7, Subchapter 5: Sections 8–7–503(6) and (7), 8–7–508, 8–7–512.

(viii) Arkansas Freedom of Information Act (FOIA) of 1967, as amended, Arkansas Code of 1987 Annotated (A.C.A.), 2005 Supplement, Title 25, State Government, Chapter 19: Sections 25–19–103(1), 25–19–105, 25–19–107.

(ix) Arkansas Pollution Control and Ecology (APC&E) Commission Regulation No. 23, Hazardous Waste Management, as amended December 9, 2005, effective March 23, 2006, Chapter One; Chapter Two, Sections 1, 2, 3(a), 3(b)(3), 4, 260.2, 260.20(c) through (f), 261 Appendix IX, 270.7(h) and (j), 270.10(e)(8), 270.34; Chapter Three, Sections 19 and 21, 22; Chapter Five, Section 28.

(x) Arkansas Pollution Control and Ecology (APC&E) Commission, Regulation No. 7, Civil Penalties, July 24, 1992.

(xi) Arkansas Pollution Control and Ecology (APC&E) Commission, Regulation No. 8, Administrative Procedures, June 12, 2000.

(3) The following statutory and regulatory provisions are broader in scope than the Federal program, are not part of the authorized program, and are not incorporated by reference:

(i) Arkansas Hazardous Waste Management Act, as amended, Arkansas Code of 1987 Annotated (A.C.A.), 2000 Replacement, Title 8, Environmental Law, Chapter 7, Subchapter 2: Section 8–7–226.

(ii) Arkansas Pollution Control and Ecology (APC&E) Commission Regulation No. 23, Hazardous Waste Management, as amended December 9, 2005, effective March 23, 2006, Chapter Two, Sections 6, 262.13(c), 262.24(d), 263.10(e), 263.13, 264.71(e), 265.71(e); Chapter Three, Section 25.

(4) *Memorandum of Agreement*. The Memorandum of Agreement between

EPA Region VI and the State of Arkansas, signed by the Executive Director of the Arkansas Department of Environmental Quality (ADEQ) on November 3, 2000, and by the EPA Regional Administrator on April 5, 2002, is referenced as part of the authorized hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

(5) *Statement of Legal Authority*. “Attorney General’s Statement for Final Authorization,” signed by the Attorney General of Arkansas on July 9, 1984 and revisions, supplements, and addenda to that Statement dated September 24, 1987, February 24, 1989, December 11, 1990, May 7, 1992 and by the Independent Legal Counsel on May 10, 1994, February 2, 1996, March 3, 1997, July 31, 1997, December 1, 1997, December 12, 2001, and July 27, 2006 are referenced as part of the authorized hazardous waste management program under Subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

(6) *Program Description*. The Program Description and any other materials submitted as part of the original application or as supplements thereto are referenced as part of the authorized hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

[75 FR 36544, June 28, 2010]

§§ 272.202–272.249 [Reserved]

Subpart F—California

§§ 272.250–272.299 [Reserved]

Subpart G—Colorado

§§ 272.300–272.349 [Reserved]

Subpart H—Connecticut

§§ 272.350–272.399 [Reserved]

Subpart I—Delaware

§ 272.400 State authorization.

(a) The State of Delaware is authorized to administer and enforce a hazardous waste management program in lieu of the Federal program under Subtitle C of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. 6921 *et seq.*, subject to the Hazardous

Environmental Protection Agency

§ 272.401

and Solid Waste Act Amendments of 1984 (HSWA) (Pub. L. 98-616, November 8, 1984), 42 U.S.C. 6926 (c) and (g). The Federal program for which a State may receive authorization is defined in 40 CFR 271.9 through 271.17 and 271.21. The State's program, as administered by the Delaware Department of Natural Resources and Environmental Control, was approved by EPA pursuant to 42 U.S.C. 6926(b) and part 271 of this chapter. EPA's approval was effective on June 22, 1984, 48 FR 23837.

(b) Delaware is not authorized to implement any HSWA requirement in lieu of EPA unless EPA has explicitly indicated its intent to do so in a FEDERAL REGISTER notice granting Delaware authorization.

(c) Delaware has primary responsibility for enforcing its hazardous waste program. However, EPA retains the authority to exercise its enforcement authorities, including conducting inspections under section 3007, 42 U.S.C. 6927, and taking enforcement actions under sections 3008, 3013, and 7003, 42 U.S.C. 6928, 6934 and 6973, as well as under other Federal laws and regulations.

(d) Delaware must revise its approved program to adopt new changes to the Federal Subtitle C program in accordance with section 3006(b) of RCRA and 40 CFR part 271, subpart A. Delaware must seek final authorization for all program revisions pursuant to section 3006(b) of RCRA, but, on a temporary basis, may seek interim authorization for revisions required by HSWA pursuant to section 3006(g) of RCRA, 42 U.S.C. 6926(g). If Delaware obtains final authorization for the revised requirements pursuant to section 3006(b) of RCRA, the newly authorized provisions will be listed in § 272.401. If Delaware obtains interim authorization for the revised requirements pursuant to section 3006(g), the newly authorized provisions will be listed in § 272.402.

§ 272.401 State-administered program: Final authorization.

Pursuant to section 3006(b) of RCRA, 42 U.S.C. 6926(b), Delaware has final authorization for the following elements

as submitted to EPA in Delaware's program application and approved by EPA.

(a) *State Statutes and Regulations.* (1) The requirements in the Delaware statutes and regulations cited in this paragraph are incorporated by reference and made a part of the hazardous waste management program under Subtitle C of RCRA, 42 U.S.C. 6921 *et seq.* This incorporation by reference was approved by the Director of the Federal Register January 31, 1986.

(i) 7 Delaware Code Annotated sections 6301 through 6307 and 6310 through 6317 (1983 Replacement Volume).

(ii) Delaware Department of Natural Resources and Environmental Control Regulations Governing Hazardous Waste, Parts 260 through 265, 122 and 124, Order Number 83-SW-1, July 28, 1983. (Copies are available from the Delaware Department of Natural Resources and Environmental Control, PO Box 1401, Dover, Delaware 19901.)

(2) The following statutes and regulations, although not incorporated by reference, are part of the authorized State program.

(i) 7 Delaware Code Annotated sections 6308 and 6309 (1974 and Supp. 1983).

(ii) Delaware Administrative Procedures Act, 7 Delaware Code Annotated sections 10101 through 10161 (1974 and Supp. 1983).

(b) *Memorandum of Agreement.* The Memorandum of Agreement between EPA Region III and the Delaware Department of Natural Resources and Environmental Control, signed by the EPA Regional Administrator on December 14, 1983.

(c) *Statement of Legal Authority.* (1) "Attorney General's Statement for Final Authorization", signed by the Attorney General of Delaware of July 26, 1983.

(2) Letter from the Attorney General of Delaware to EPA, April 2, 1984.

(d) *Program Description.* The Program Description and any other materials submitted as part of the original application or as supplements thereto.

§§ 272.402–272.449 [Reserved]

Subpart J—District of Columbia

§§ 272.450–272.499 [Reserved]

Subpart K—Florida

§ 272.500 [Reserved]

§ 272.501 Florida State-administered program: Final authorization.

(a) Pursuant to section 3006(b) of RCRA, 42 U.S.C. 6926(b), Florida has final authorization for the following elements as submitted to EPA in Florida's base program application for final authorizations which was approved by EPA effective on February 12, 1985. Subsequent program revision applications were approved and effective January 30, 1988; October 30, 1988; January 3, 1989; February 12, 1991; April 6, 1992; April 7, 1992; July 20, 1992; January 10, 1994; September 9, 1994; October 17, 1994; December 27, 1994; and June 2, 1997.

(b) *State Statutes and Regulations.* (1) The Florida statutes and regulations cited in this paragraph are incorporated by reference as part of the hazardous waste management program under Subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

(i) EPA Approved Florida's Statutory Requirements Applicable to the Hazardous Waste Management Program, dated December 1997.

(ii) EPA Approved Florida's Regulatory Requirements Applicable to the Hazardous Waste Management Program, dated December 1997.

(2) The following statutes and regulations concerning State procedures and enforcement, although not incorporated by reference, are part of the authorized State program:

(i) Florida Statutes, 1993, Chapter 119: 119.01; 119.011; 119.0115 through 119.031; 119.041; 119.05; 119.06; 119.07(1), (2), (3)(a)–(j), (3)(k)(1) first sentence, (3)(l)–(u), (4), (5), and (8); 119.072; 119.08(1)(a), (2) and (3); 119.085; 119.09; 119.092; 119.10; and 119.11 through 119.14.

(ii) Florida Statutes, 1993, Chapter 120: 120.53; 120.57; 120.59; 120.68; and 120.69.

(iii) Florida Statutes, 1993, Chapter 403: 403.021(1)–(9); 403.051(1) and (2);

403.061(21); 403.087(1) second and third sentences, (2)–(4), and (8); 403.0875; 403.091; 403.121; 403.131; 403.141(1) and (2); 403.151; 403.161; 403.201(1)–(3); 403.412; 403.702; 403.703(1); 403.704 (except (8), (11), (20)–(23), (25), and (31)); 403.721(1); 403.721(2)–(4) (except (4)(a)); 403.721(5); 403.721(6)(a)–(g), (j), (k); 403.721(7); 403.722(7) and (9)–(11); 403.7222(3); 403.724(3)–(6); 403.726 (except 403.726(3)); 403.73; 403.7545; 403.8055; and 403.814.

(iv) Florida Statutes, 1994 Supplement to 1993, Chapter 403: 403.061(14); 403.088; 403.707; 403.722(12); 403.7222(3); and 403.727.

(v) Florida Administrative Code, Chapter 62–4, effective July 4, 1995: 62–4.050(1)–(3); 62–4.070(4); and 62–4.070(5).

(vi) Florida Administrative Code, Chapter 62–103, effective October 20, 1996: 62–103.150; and 62–103.155.

(vii) Florida Administrative Code, Chapter 62–730, effective September 7, 1995: 62–730.020(2); 62–730.184; 62–730.200(3); 62–730.220(4); 62–730.220(9); 62–730.231(10); 62–730.240(3); and 62–730.310.

(3) The following statutory and regulatory provisions are broader in scope than the Federal program, are not part of the authorized program, and are not codified herein for enforcement purposes.

(i) Florida Statutes, 1993, Chapter 403: 403.087(5); 403.201(4) (only the phrase “may require by rule a processing fee for and”); 403.704(8); 403.721(4)(a); 403.7215(1)–(4); 403.722(8); 403.723; 403.724(7); 403.754(1)–(7); 403.767(1)–(3)(c); 403.78 through 403.7893; and 403.7895.

(ii) Florida Administrative Code, Chapter 62–4, effective July 4, 1995: 17–4.050(4)(k), (n)–(p), (r) and (s)–(x); 62–4.050(5)–(7).

(iii) Florida Administrative Code, Chapter 62–730, effective September 7, 1995: 62–730.170(2) and (3); 62–730.180(10); 62–730.290 (only the phrase “and submittal of the appropriate permit modification fee”).

(4) Unauthorized State Provisions. The State's adoption of the following Federal rules is not approved by EPA and are, therefore, not enforceable:

Environmental Protection Agency

§ 272.651

Federal requirement	FEDERAL REGISTER reference	Publication date
HSWA Codification Rule: Corrective Action (Checklist 17 L)	50 FR 28702	7/15/85
HSWA Codification Rule 2: Corrective Action Beyond Facility Boundary (Checklist 44 B); Corrective Action for Injection Wells (Checklist 44 C); and Permit Modification (Checklist 44 D).	52 FR 45788	12/1/87
Burning of Hazardous Waste in Boilers and Industrial Furnaces (Checklist 85).	56 FR 7134	2/12/91
Burning of Hazardous Waste in Boilers and Industrial Furnaces; Corrections and Technical Amendments I (Checklist 94).	56 FR 32688	7/1/91
Burning of Hazardous Waste in Boilers and Industrial Furnaces; Technical Amendments II (Checklist 96).	56 FR 42504	8/27/91
Coke Ovens Administrative Stay (Checklist 98)	56 FR 43874	9/5/91
Recycled Coke By-Product Exclusion (Checklist 105)	57 FR 27880	6/22/92
Burning Hazardous Waste in Boilers and Industrial Furnaces; Technical Amendment III (Checklist 111).	57 FR 38558	8/25/92
Recycled Used Oil Management Standards (Checklist 112)	57 FR 41566: Amendments to 40 CFR Parts 260, 261, and 266.	9/10/92
Burning of Hazardous Waste in Boilers and Industrial Furnaces; Technical Amendment IV (Checklist 114).	57 FR 44999	9/30/92
Corrective Action Management Units and Temporary Units (Checklist 121).	58 FR 8658	2/16/93
Recycled Used Oil Management Standards; Technical Amendments and Corrections I (Checklist 122).	58 FR 26420: Amendments to 40 CFR Parts 261, 264, and 265.	5/3/93

(5) Memorandum of Agreement. The Memorandum of Agreement between EPA Region IV and the Florida Department of Environmental Protection, signed by the EPA Regional Administrator on October 23, 1993, as amended on November 28, 1994, and on December 9, 1994, is referenced as part of the authorized hazardous waste management program under Subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

(6) Statement of Legal Authority. “Attorney General’s Statement for Final Authorization” certifications signed by the General Counsel of Florida on June 21, 1984; March 12, 1987; June 16, 1988; February 21, 1989; May 30, 1989; June 13, 1990; May 28, 1991; October 9, 1991; July 14, 1992; September 24, 1993; December 20, 1993; February 27, 1994; January 25, 1996; and May 20, 1996, is referenced as part of the authorized hazardous waste management program under Subtitle C of RCRA, 42 U.S.C. 6921.

(7) Program Description. The Program Description and any other materials submitted as part of the original application, or as supplements thereto, are referenced as part of the authorized hazardous waste management program under Subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

[63 FR 2898, Jan. 20, 1998]

§§ 272.502–272.549 [Reserved]

Subpart L—Georgia

§§ 272.550–272.599 [Reserved]

Subpart M—Hawaii

§§ 272.600–272.649 [Reserved]

Subpart N—Idaho

SOURCE: 55 FR 50328, Dec. 6, 1990, unless otherwise noted.

§ 272.651 Idaho State-Administered Program: Final Authorization.

(a) Pursuant to section 3006(b) of RCRA, 42 U.S.C. 6926(b), Idaho has final authorization for the following elements as submitted to EPA in Idaho’s base program application for final authorization which was approved by EPA effective on April 9, 1990. Subsequent program revision applications were approved effective on June 5, 1992, August 10, 1992, June 11, 1995, January 19, 1999, July 1, 2002, March 10, 2004, July 22, 2005, February 26, 2007 and December 23, 2008.

(b) The State of Idaho has primary responsibility for enforcing its hazardous waste management program. However, EPA retains the authority to exercise its inspection and enforcement

authorities in accordance with sections 3007, 3008, 3013, 7003 of RCRA, 42 U.S.C. 6927, 6928, 6934, 6973, and any other applicable statutory and regulatory provisions, regardless of whether the State has taken its own actions, as well as in accordance with other statutory and regulatory provisions.

(c) *State Statutes and Regulations.* (1) The Idaho statutes and regulations cited in this paragraph are incorporated by reference as part of the hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

(i) 2010 Codification of EPA-Approved Idaho Statutory and Regulatory Requirements Applicable to the Hazardous Waste Management Program, December 2008.

(ii) [Reserved]

(2) EPA considered the following statutes and regulations in evaluating the State program but is not incorporating them herein for enforcement purposes:

(i) Idaho Code (I.C.) containing the General Laws of Idaho Annotated, Title 39, Chapter 44, “Hazardous Waste Management”, published in 2002 by the Michie Company, Law Publishers: sections 39–4404; 39–4405 (except 39–4405(8)); 39–4406; 39–4407; 39–4408(4); 39–4409(2) (except first sentence); 39–4409(3); 39–4409(4) (first sentence); 39–4410; 39–4411(1); 39–4411(3); 39–4411(6); 39–4412 through 39–4416; 39–4418; 39–4419; 39–4421; 39–4422; and 39–4423(3)(a) & (b).

(ii) Idaho Code (I.C.) containing the General Laws of Idaho Annotated, Title 39, Chapter 58, “Hazardous Waste Facility Siting Act”, published in 2002 by the Michie Company, Law Publishers: sections 39–5804; 39–5809; 39–5810; 39–5813(2); 39–5814; 39–5816; 39–5817; and 39–5818(1).

(iii) Idaho Code (I.C.) containing the General Laws of Idaho Annotated, Volume 2, Title 9, Chapter 3, “Public Writings”, published in 1990 by the Michie Company, Law Publishers, Charlottesville, Virginia: sections 9–337(10); 9–337(11); 9–338; 9–339; and 9–344(2).

(iv) 2002 Cumulative Pocket Supplement to the Idaho Code (I.C.), Volume 2, Title 9, Chapter 3, “Public Writing”, published in 2002 by the Michie Company, Law Publishers, Charlottesville,

Virginia: sections 9–340A, 9–340B, and 9–343.

(v) Idaho Department of Environmental Quality Rules and Regulations, Idaho Administrative Code, IDAPA 58, Title 1, Chapter 5, “Rules and Standards for Hazardous Waste”, as published July 2008: sections 58.01.05.000; 58.01.05.356.02 through 58.01.05.356.05; 58.01.05.800; 58.01.05.850; 58.01.05.996; 58.01.05.997; and 58.01.05.999.

(3) The following statutory and regulatory provisions are broader in scope than the Federal program, are not part of the authorized program, are not incorporated by reference, and are not Federally enforceable:

(i) Idaho Code containing the General Laws of Idaho Annotated, Title 39, Chapter 44, “Hazardous Waste Management”, published in 2002 by the Michie Company, Law Publishers: sections 39–4403(6) & (14); 39–4428 and 39–4429.

(ii) 2004 Cumulative Pocket Supplement to the Idaho Code (I.C.), Volume 39, Title 44, “Hazardous Waste Management”, published in 2004 by the Michie Company, Law Publishers, Charlottesville, Virginia: section 39–4427.

(iii) Idaho Code containing the General Laws of Idaho Annotated, Title 39, Chapter 58, “Hazardous Waste Siting Act”, published in 2002 by the Michie Company, Law Publishers: section 39–5813(3).

(iv) Idaho Department of Environmental Quality Rules and Regulations, Idaho Administrative Code, IDAPA 58, Title 1, Chapter 5, “Rules and Standards for Hazardous Waste”, as published July 2008: sections 58.01.05.355; and 58.01.05.500.

(4) *Memorandum of Agreement.* The Memorandum of Agreement between EPA Region 10 and the State of Idaho (IDEQ), signed by the EPA Regional Administrator on August 1, 2001, although not incorporated by reference, is referenced as part of the authorized hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921, *et seq.*

(5) *Statement of Legal Authority.* The “Attorney General’s Statement for Final Authorization,” signed by the Attorney General of Idaho on July 5, 1988, and revisions, supplements and addenda to that Statement, dated July 3, 1989, February 13, 1992, December 29,

Environmental Protection Agency

§ 272.701

1994, September 16, 1996, October 3, 1997, April 6, 2001, September 11, 2002, September 22, 2004, June 13, 2006, September 29, 2006 and June 23, 2008, although not incorporated by reference, are referenced as part of the authorized hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921, *et seq.*

(6) *Program Description.* The Program Description and any other materials submitted as part of the original application or as supplements thereto, although not incorporated by reference, are referenced as part of the authorized hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

[75 FR 17312, Apr. 6, 2010]

§§ 272.652–272.699 [Reserved]

Subpart O—Illinois

§ 272.700 State authorization.

(a) The State of Illinois is authorized to administer and enforce a hazardous waste management program in lieu of the Federal program under subtitle C of the Resource Conservation and Recovery Act of 1976 (RCRA), 42 U.S.C. 6921 *et seq.* subject to the Hazardous and Solid Waste Amendments of 1984 (HSWA), (Public Law 98–616, November 8, 1984), 42 U.S.C. 6926 (c) and (g). The Federal program for which a State may receive authorization is defined in 40 CFR part 271. The State's base program and revisions to that program, as administered by the Illinois Environmental Protection Agency, were approved by EPA pursuant to 42 U.S.C. 6926(b) and 40 CFR part 271. EPA's approval of Illinois' base program was effective on January 31, 1986. EPA's approval of revisions to Illinois' base program were effective on March 5, 1988, April 30, 1990 and June 3, 1991.

(b) Illinois is authorized to implement only those HSWA requirements addressed in 40 CFR 272.701 and codified herein.

(c) Illinois has primary responsibility for enforcing its hazardous waste program. However, EPA retains the authority to exercise its enforcement authorities under Sections 3007, 3008, 3013, and 7003 of RCRA, 42 U.S.C. 6927, 6928,

6934, and 6973, as well as under other Federal laws and regulations.

(d) Illinois must revise its approved program to adopt new changes to the Federal Subtitle C program in accordance with Section 3006(b) of RCRA and 40 CFR part 271, subpart A. Illinois must seek final authorization for all program revisions pursuant to Section 3006(b) of RCRA but, on a temporary basis, may seek interim authorization for revisions required by HSWA pursuant to section 3006(g) of RCRA, 42 U.S.C. 6926(g). If Illinois obtains final authorization for the revised requirements pursuant to Section 3006(g), the newly authorized provisions will be listed in § 272.701 of this subpart. If Illinois obtains interim authorization for the revised requirements pursuant to Section 3006(g), the newly authorized provisions will be listed in § 272.702.

[54 FR 37651, Sept. 12, 1989, as amended at 57 FR 3723, Jan. 31, 1992; 57 FR 45576, Oct. 2, 1992]

§ 272.701 State-administered program: Final authorization.

Pursuant to section 3006(b) of RCRA, 42 U.S.C. 6926(b), Illinois has final authorization for the following elements submitted to EPA in Illinois; base program and program revision applications for final authorization and approved by EPA effective on January 31, 1986, March 5, 1988, April 30, 1990 and June 3, 1991.

(a) *State Statutes and Regulations.* (1) The following Illinois regulations and statutes are incorporated by reference with the approval of the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51 as part of the hazardous waste management program under Subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

(i) Illinois Administrative Code, Title 35, Part 702, Sections 702.101–702.104, 702.110–702.187; Part 703, Sections 703.100–703.126, 703.140–703.246; Part 709, Sections 709.102–709.105, 709.201, 709.301, 709.302, 709.401, 709.501–709.603; Part 720, Sections 720.101–720.122, Part 720 Appendix A; Part 721, Sections 721.101–721.133, Part 721 Appendices A, B, C, G, H, I, J, Z; Part 722, Sections 722.110–722.151, Part 722 Appendix A; Part 723, Sections 723.110–723.131; Part 724, Sections 724.101–724.321, 724.326–724.351, 724.354–

§§ 272.702–272.750

40 CFR Ch. I (7–1–12 Edition)

724.451, Part 724 Appendices A, D, E; Part 725, Sections 725.101–725.248, 725.270–725.530, Part 725 Appendices, A, C, D, E; Part 726, Sections 726.120–726.180; Part 728; and Part 729, Sections 729.100–729.321; (Illinois Administrative Code, January 1, 1985, as amended January 1, 1986, January 1, 1987, and January 1, 1988).

Copies of the Illinois regulations that are incorporated by reference in this paragraph are available from the Secretary of State, Administrative Code Division, 288 Centennial Building, Springfield, Illinois 62756. Copies may be inspected at U.S. EPA headquarters, 1200 Pennsylvania Ave., NW., Washington, DC, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.

(ii) [Reserved]

(2) The following statutes and regulations concerning State enforcement and procedures, although not codified herein, are part of the authorized State program:

(i) Illinois Revised Statutes, chapter 111½, sections 1001 through 1003.52; sections 1003.54 through 1005.1; sections 1007 through 1007.1; section 1020(c); sections 1020.1 through 1022.3; sections 1022.5 through 1022.6; sections 1030 through 1034; and section 1039 parts a, d, g, k.

(ii) Illinois Administrative Code, Title 35 Part 700, Sections 700.101–700.504; Part 702 Sections 702.105–702.109; Part 705, Section 705.101–705.212; Part 720, Sections 720.140–720.141; and Title 2, Part 1826, Sections 1826.101–1826.503, Section 1826 Appendices A and B. (Illinois Administrative Code, January 1, 1985, as amended January 1, 1986, January 1, 1987, and January 1, 1988).

(b) *Memorandum of Agreement*. The Memorandum of Agreement between EPA-Region V and the Illinois Environmental Protection Agency, signed by the EPA Regional Administrator on January 26, 1990, is part of the authorized hazardous waste management program under Subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

(c) *Statement of Legal Authority*. The Illinois Attorney General's Statements for final authorization signed by the Attorney General of Illinois on June 4, 1985, July 15, 1986, May 26, 1988, and February 23, 1990 are part of the authorized hazardous waste management program under Subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

(d) *Program Description*. Program Descriptions dated July 26, 1985, August 7, 1986, November 29, 1988, and May 18, 1990, and any other materials submitted as part of, or as supplements to, the original application or revision applications are codified as part of the authorized hazardous waste management program under Subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

[54 FR 37651, Sept. 12, 1989, as amended at 57 FR 3723, Jan. 31, 1992; 57 FR 45576, Oct. 2, 1992; 69 FR 18803, Apr. 9, 2004]

§§ 272.702–272.750 [Reserved]

Subpart P—Indiana

§ 272.751 Indiana state-administered program: Final authorization.

(a) Pursuant to section 3006(b) of RCRA, 42 U.S.C. 6926(b), Indiana has final authorization for the following elements as submitted to EPA in Indiana's base program application for final authorization which was approved by EPA effective on January 31, 1986. Subsequent program revision applications were approved effective on December 31, 1986, January 19, 1988, September 11, 1989, September 23, 1991 (two separate revisions), September 27, 1991, September 30, 1991, October 21, 1996, November 30, 1999, and January 4, 2001.

(b) *State statutes and regulations*. (1) The Indiana statutes and regulations cited in this paragraph are incorporated by reference as part of the hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921 *et seq.* This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a). Copies of the Indiana regulations that are incorporated by reference in this paragraph are available from the Indiana Legislative Services Agency, Administrative Code and Register Division, 302 State House, Indianapolis, Indiana 46204.

Environmental Protection Agency

§ 272.751

(i) The EPA approved Authorized Indiana Statutory Requirements Applicable to the Hazardous Waste Management Program, dated March 2001.

(ii) The EPA approved Indiana Regulatory Requirements Applicable to the Hazardous Waste Management Program, dated March 2001.

(2) The following statutes and regulations concerning State procedures and enforcement, although not incorporated by reference, are part of the authorized State program:

(i) Annotated Indiana Code, 1998 edition, Title 13, Article 4-21.5, 5-14-3-2, 13-11-2, 13-14-2-2, 13-14-9, 13-14-10, 13-15-2, 13-19-1, 13-19-2, 13-20, 13-22-1, 13-22-3, 13-22-5 through 13-22-14, 13-23, 13-30, and 23-1-16.

(ii) Indiana Administrative Code, as amended, 1996 edition, certified October 24, 1995, 2000 cumulative supplement, certified November 30, 1999, sections 329 IAC 3.1-1-1 through 3.1-1-6; 3.1-1-8 through 3.1-1-14; 3.1-2-1 through

3.1-2-16; 3.1-3-1 through 3.1-3-9; 3.1-4-2 through 3.1-4-26; 3.1-13-5; 3.1-13-8 through 3.1-13-17; 3.1-14-2; 3.1-14-3; and 13-1-3 through 13-1-6.

(3) The following statutory and regulatory provisions are broader in scope than the Federal program, are not part of the authorized program, and are not incorporated by reference: Indiana Administrative Code as amended, 1996 edition, certified October 24, 1995, 2000 cumulative supplement, certified November 30, 1999, sections 329 IAC 3.1-6-3; and 3.1-8-4.

(4) *Unauthorized State provisions:* Although the Federal rules listed in the following table have been adopted by the State and have been included in the materials incorporated by reference in paragraph (b)(1) of this section, EPA has not authorized the State for these rules at this time. While they may be enforceable under State law, they are not enforceable under RCRA:

Federal requirement	FEDERAL REGISTER reference	Publication date
1. Hazardous Waste Management System; Testing and Monitoring Activities (Checklist 158).	62 FR 32452	June 13, 1997.
2. Kraft Mill Stream Stripper Condensate Exclusion (Checklist 164)	63 FR 18504	April 15, 1998.
3. Recycled Used Oil Management Standards; Technical Correction and Clarification (Checklist 166) as amended (Checklist 166.1).	63 FR 24963	May 6, 1998.
4. Bevill Exclusion Revisions and Clarification (Checklist 167E)	63 FR 37780	July 14, 1998.
5. Exclusion of Recycled Wood Preserving Wastewaters (Checklist 167F)	63 FR 28556	May 26, 1998.
6. Hazardous Waste Combustors Revised Standards (Checklist 168)	63 FR 33782	June 19, 1998.
7. Universal Waste Rule; Technical Amendment (Checklist 176)	63 FR 71225	December 24, 1998.

(i) Additionally Indiana has adopted but is not authorized to implement the HSWA rules that are listed the following table. EPA will continue to im-

plement the Federal HSWA requirements for which Indiana is not authorized until the State receives specific authorization for those requirements:

Federal requirement	FEDERAL REGISTER reference	Publication date
1. HSWA Codification Rule 2; Corrective Action for Injection Wells (Checklist 44C).	52 FR 45788	December 1, 1987.
2. Burning of Hazardous Waste in Boilers and Industrial Furnaces (Checklist 85).	56 FR 7134	February 21, 1991.
3. Burning of Hazardous Waste in Boilers and Industrial Furnaces; Corrections and Technical Amendments (Checklist 94).	56 FR 32688	July 17, 1991.
4. Burning of Hazardous Waste in Boilers and Industrial Furnaces; Technical Amendments II (Checklist 96).	56 FR 42504	August 27, 1991.
5. Burning of Hazardous Waste in Boilers and Industrial Furnaces; Technical Amendment III (Checklist 111).	57 FR 38558	August 25, 1992.
6. Burning of Hazardous Waste in Boilers and Industrial Furnaces; Technical Amendment IV (Checklist 114).	57 FR 44999	September 30, 1992.
7. Requirements for Preparation, Adoption, and Submittal of Implementation Plans (Checklist 125).	58 FR 38816	July 20, 1993.
8. Burning of Hazardous Waste in Boilers and Industrial Furnaces (Checklist 127).	58 FR 59598	November 9, 1993.

Federal requirement	FEDERAL REGISTER reference	Publication date
9. Land Disposal Restrictions-Phase IV: Treatment Standards for Wood Preserving Wastes, Paperwork Reduction and Streamlining, Exemptions from RCRA for Certain Processed Materials; and Miscellaneous Hazardous Waste Provisions (Checklist 157).	62 FR 25998	May 12, 1997.
10. Hazardous Waste Management System; Carbamate Production, Identification and Listing of Hazardous Waste; Land Disposal Restrictions (Checklist 159).	62 FR 32974	June 17, 1997.
11. Land Disposal Restrictions-Phase III—Emergency Extension of the K088 National Capacity Variance (Checklist 160).	62 FR 37694	July 14, 1997.
12. Second Emergency Revision of the Land Disposal Restrictions (LDR) Treatment Standards for Listed Hazardous Wastes from Carbamate Production (Checklist 161).	62 FR 45568	August 28, 1997.
13. Organic Air Emission Standards for Tanks, Surface Impoundments, and Containers; Clarification and Technical Amendment (Checklist 163).	62 FR 64636	December 8, 1997.
14. Land Disposal Restrictions-Phase IV: Treatment Standards for Metal Wastes and Mineral Processing Wastes (Checklist 167A), Hazardous Soils Treatment Standards and Exclusions (Checklist 167B), and Corrections (Checklist 167C) as amended (Checklist 167C.1).	63 FR 28556 63 FR 31266	May 26, 1998. June 8, 1998.
15. Petroleum Refining Process (Checklist 169) as amended (Checklist 169.1).	63 FR 42110	August 6, 1998.
16. Land Disposal Restrictions-Phase IV (Checklist 170)	63 FR 54356	October 9, 1998.
17. Emergency Revisions of the Land Disposal Restrictions Treatment Standards (Checklist 171).	63 FR 46332 63 FR 47409	August 31, 1998. September 4, 1998.
18. Emergency Revision of the Land Disposal Restrictions Treatment Standards (Checklist 172).	63 FR 48124	September 9, 1998.
19. Land Disposal Restrictions Treatment Standards (Spent Potliners) (Checklist 173).	63 FR 51254	September 24, 1998.

(ii) Some regulations listed in the table in paragraph (b)(4)(i) of this section are predominantly HSWA authority but contain provisions that are not HSWA authority. EPA will not enforce these non-HSWA provisions. The affected rules are as follows:

(A) Burning of Hazardous Waste in Boilers and Industrial Furnaces (BIF), including BIF (February 21, 1991);

(B) Corrections and Technical Amendments I (July 17, 1991);

(C) Technical Amendments II (August 27, 1991);

(D) Technical Amendments III (August 25, 1992);

(E) Amendment IV (September 30, 1992);

(F) Requirements for Preparation, Adoption, and Submittal of Implementation Plans (July 20, 1993); and

(G) BIF (November 9, 1993).

(iii) EPA will not enforce BIF rules for Sludge Dryers, Infrared Incinerators, Plasma Arc Incinerators, and Carbon Regeneration Units, until Indiana is authorized for these rules. Petroleum Refining Process (August 6, 1998, as amended October 9, 1998) 40 CFR 261.3, 261.4, and 261.6 are non-HSWA provisions. Standards Applicable to Owners and Operators of Closed/Closing Facilities (October 22, 1998) 40

CFR 264.90(e), 265.110(c), 265.118(c)(4), 265.121 (except § 265.121(a)(2)), 270.1, 270.14(a), and 270.28 are non-HSWA provisions. Hazardous Remediation Waste Management Requirements (HWIR Media) (November 30, 1998) 40 CFR 261.4(g), 264.1(j)(1–13), 264.73(b)(17), 270.2, 270.11(d), 270.68, 270.73(a), and 270.79 through 270.230 (40 CFR part 270, subpart H) except § 270.230(e)(1) are non-HSWA provisions. Until Indiana becomes authorized for these rules, EPA will not enforce the non-HSWA provisions.

(5) *Memorandum of Agreement*. The Memorandum of Agreement between EPA Region 5 and the Indiana Department of Environmental Management, signed by the Commissioner of the IDEM on February 14, 1996 and acknowledged by the EPA Regional Administrator in the FEDERAL REGISTER noticed signed on July 29, 1996, August 2, 1999, and December 14, 2000, is referenced as part of the authorized hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

(6) *Statement of legal authority*. “Attorney General’s Statement for Final Authorization”, signed by the Attorney General of Indiana on June 28, 1985 and revisions, supplements and addenda to

Environmental Protection Agency

§ 272.951

that Statement dated August 26, 1986, June 1, 1987, December 15, 1987, March 25, 1988, July 22, 1988, December 15, 1989, May 29, 1996, March 24, 1997, and January 31, 2000 are referenced as part of the authorized hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

(7) *Program description.* The Program Description and any other materials submitted as part of the original application or as supplements thereto are referenced as part of the authorized hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

[66 FR 53728, Oct. 24, 2001]

§§ 272.752–272.799 [Reserved]

Subpart Q—Iowa

§§ 272.800–272.849 [Reserved]

Subpart R—Kansas

§§ 272.850–272.899 [Reserved]

Subpart S—Kentucky

§§ 272.900–272.949 [Reserved]

Subpart T—Louisiana

§ 272.950 [Reserved]

§ 272.951 Louisiana state-administered program: Final authorization.

(a) Pursuant to section 3006(b) of RCRA, 42 U.S.C. 6926(b), the EPA granted Louisiana final authorization for the following elements as submitted to EPA in Louisiana's base program application for final authorization which was approved by EPA effective on February 7, 1985. Subsequent program revision applications were approved effective on January 29, 1990, October 25, 1991 as corrected October 15, 1991; January 23, 1995 as corrected April 11, 1995; March 8, 1995; January 2, 1996; June 11, 1996, March 16, 1998, December 22, 1998, October 25, 1999, November 1, 1999, April 28, 2000, March 5, 2001, February 9, 2004, August 9, 2005, January 12, 2007, and October 15, 2007, and October 4, 2010.

(b) The State of Louisiana has primary responsibility for enforcing its hazardous waste management program.

However, EPA retains the authority to exercise its inspection and enforcement authorities in accordance with sections 3007, 3008, 3013, 7003 of RCRA, 42 U.S.C. 6927, 6928, 6934, 6973, and any other applicable statutory and regulatory provisions, regardless of whether the State has taken its own actions, as well as in accordance with other statutory and regulatory provisions.

(c) *State statutes and regulations.* (1) The Louisiana statutes and regulations cited in paragraph (c)(1)(i) of this section are incorporated by reference as part of the hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921 *et seq.* The Director of the Federal Register approves this incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. You may obtain copies of the Louisiana regulations that are incorporated by reference in this paragraph from the Office of the State Register, P.O. Box 94095, Baton Rouge, LA 70804-9095; *Phone number:* (225) 342-5015; *Web site:* <http://doa.louisiana.gov/osr/lac/lac.htm>. The statutes are available from West Publishing/Company, 610 Opperman Drive, P.O. Box 64526, St. Paul, Minnesota 55164 0526; *Phone:* 1-800-328-4880; *Web site:* <http://west.thomson.com>. You may inspect a copy at EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202 (Phone number (214) 665-8533), or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: <http://www.archives.gov/federal-register/cfr/ibr-locations.html>.

(i) The binder entitled “EPA Approved Louisiana Statutory and Regulatory Requirements Applicable to the Hazardous Waste Management Program”, dated October, 2007.

(ii) [Reserved]

(2) The following provisions provide the legal basis for the State's implementation of the hazardous waste management program, but they are not being incorporated by reference and do not replace Federal authorities:

(i) Louisiana Statutes Annotated, Revised Statutes, 2000 Main Volume (effective August 15, 1999), Volume 17B, Subtitle II of Title 30, Louisiana Environmental Quality Act, 2000: Chapter 1,

Sections 2002, 2013, 2014.2, 2020, 2021, 2023, 2024, 2026 through 2029, 2033.A–D; Chapter 2–A, Section 2050.8; Chapter 9, Sections 2172, 2174, 2175, 2181, 2183.C, F–H, 2183.1.B, 2183.2, 2184.B, 2187, 2188.A and C, 2189.A and B, 2190.A–D, 2191.A–C, 2192, 2193, 2196, 2199, 2200, 2203.B and C, 2204.A(2), A(3) and B; Chapter 13, Sections 2294(6), 2295.C; Chapter 16, Section 2369.

(ii) Louisiana Statutes Annotated, Revised Statutes, 2007 (effective August 15, 2006) Cumulative Annual Pocket Part, Volume 17B, Subtitle II of Title 30, Louisiana Environmental Quality Act: Chapter 2, 2011.A(1), 2011.B and C, 2011.D (except 2011.D(4), (10)–(12), (16), (19), (20), (23) and (25)), 2011.E–G, 2012, 2014.A, 2017, 2019.A–C, 2022 (except the first sentence of 2022.A(1)), 2022.1(B), 2025 (except 2025.D, .F(3), .H and .K); Chapter 3, Sections 2054.B(1), 2054.B(2)(a); Chapter 9, Sections 2180.A–C, 2186.A–C; Chapter 18, Section 2417.A.

(iii) Louisiana Administrative Code, Title 33, Part I, Office of The Secretary Part I, Subpart 1: Departmental Administrative Procedures: Chapter 5, Sections 501 through 511, effective October 20, 2005; Chapter 7, Section 705, effective March 20, 2004; Chapter 19, Sections 1901 through 1911, effective October 20, 2005; Chapter 23, Sections 2303 through 2309, effective May 20, 2003.

(iv) Louisiana Administrative Code, Title 33, Part V, Hazardous Waste and Hazardous Materials, Louisiana Hazardous Waste Regulations, revised as of December 31, 2006: Chapter 1, Sections 101, 107.A–C; Chapter 3, Sections 301, 311.A, 311.C, 315 introductory paragraph, 323.B.3; 323.B.4.d and e; Chapter

5, Section, 503; Chapter 7, Sections 703, 705, 707 through 721; and Chapter 22, Sections 2201.A, 2201.E, 2201.F.

(3) The following statutory and regulatory provisions are broader in scope than the Federal program, are not part of the authorized program, and are not incorporated by reference:

(i) Louisiana Statutes Annotated, Revised Statutes, 2000 Main Volume (effective August 15, 1999), Volume 17B, Subtitle II of Title 30, Louisiana Environmental Quality Act, 2000: Chapter 9, Sections 2178 and 2197.

(ii) Louisiana Statutes Annotated, Revised Statutes, 2007 (effective August 15, 2006) Cumulative Annual Pocket Part, Volume 17B, Subtitle II of Title 30, Louisiana Environmental Quality Act: Chapter 2, Sections 2014.B and D.

(iii) Louisiana Administrative Code, Title 33, Part V, Hazardous Waste And Hazardous Materials, Louisiana Hazardous Waste Regulations, revised as of December 31, 2006: Chapter 1, Section, 108.G.5; Chapter 3, Section 327; Chapter 11, Sections 1101.G and 1109.E.7.f ; Chapter 13, Section 1313; Chapter 51.

(4) *Unauthorized State Amendments.* (i) The State's adoption of the Non-HSWA Federal rule listed in the following Table is not approved by the EPA and is, therefore, not enforceable. Louisiana has also adopted but is not authorized to implement the HSWA rules that are listed in the Table in lieu of the EPA. The EPA will enforce the Federal HSWA standards for which Louisiana is not authorized until the State receives specific authorization from EPA.

Federal requirement	Federal Register reference	Publication date
Exports of Hazardous Waste (HSWA)	51 FR 28664	August 8, 1986.
HSWA Codification Rule 2: Post-Closure Permits (HSWA).	52 FR 45788	December 1, 1987.
Imports and Exports of Hazardous Waste: Implementation of OECD Council Decision (HSWA).	61 FR 16290	April 12, 1996.
Universal Waste Rule: Specific Provisions for Mercury Containing Equipment (Non-HSWA).	70 FR 45508	August 5, 2005.

(ii) Louisiana adopted the changes made by the August 5, 2005 Federal final rule addressing Mercury Containing Equipment (70 FR 45508) and, at the same time, made changes conforming to the addition of Consumer

Electronics as a state universal waste. These changes were made as part of the same state amendment effective December 20, 2005. As noted in the table above, Louisiana is not authorized for the August 5, 2005 Federal final rule,

Environmental Protection Agency

§ 272.1150

however, EPA does recognize Consumer Electronics as part of the State's approved program.

(iii) The following authorized provisions of the Louisiana regulations include amendments published in the Louisiana Register that are not approved by EPA. Such unauthorized amendments are not part of the State's authorized program and are, therefore,

not federally enforceable. Thus, notwithstanding the language in the Louisiana hazardous waste regulations incorporated by reference at paragraph (c)(1)(i) of this section, EPA will enforce the State provisions that are actually authorized by EPA. The effective dates of the State's authorized provisions are listed in the following Table.

State provision	Effective date of authorized provision	Unauthorized State amendments	
		State reference	Effective date
LAC 1111.B.1.c	March 20, 1984	LR 16:220	March 20, 1990.
LAC 1113	March 20, 1984	LR 16:220	March 20, 1990.
LAC 4407.A.12	March 20, 1984	LR 16:220	March 20, 1990.

The actual State regulatory text authorized by EPA (i.e., without the unauthorized amendments) is available as a separate document, *Addendum to the EPA-Approved Louisiana Regulatory and Statutory Requirements Applicable to the Hazardous Waste Management Program, October, 2007*. Copies of the document can be obtained from U.S. EPA Region 6, 1445 Ross Avenue, Dallas, TX 75202 also Louisiana Department of Environmental Quality, 602 N. Fifth Street, Baton Rouge, Louisiana 70884-2178.

(5) *Memorandum of Agreement*. The Memorandum of Agreement between EPA Region 6 and the State of Louisiana, signed by the EPA Regional Administrator on September 26, 2006 is referenced as part of the authorized hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

(6) *Statement of Legal Authority*. "Attorney General's Statement for Final Authorization", signed by the Attorney General of Louisiana on December, 13, 1996 and revisions, supplements and addenda to that Statement dated January 13, 1998, January 13, 1999, January 27, 1999, August 19, 1999, August 29, 2000, October 17, 2001, February 25, 2003, October 20, 2004, December 19, 2005, September 5, 2006 are referenced as part of the authorized hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

(7) *Program Description*. The Program Description and any other materials submitted as supplements thereto are referenced as part of the authorized hazardous waste management program

under subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

[75 FR 47233, Aug. 5, 2010]

§§ 272.952–272.999 [Reserved]

Subpart U—Maine

§§ 272.1000–272.1049 [Reserved]

Subpart V—Maryland

§§ 272.1050–272.1099 [Reserved]

Subpart W—Massachusetts

§§ 272.1100–272.1149 [Reserved]

Subpart X—Michigan

§ 272.1150 State authorization.

(a) The State of Michigan is authorized to administer and enforce a hazardous waste management program in lieu of the Federal program under subtitle C of the Resource Conservation and Recovery Act of 1976 (RCRA), 42 U.S.C. 6921 *et seq.* subject to the Hazardous and Solid Waste Amendments of 1984 (HSWA) (Public Law 98-616, November 8, 1984), 42 U.S.C. 6926 (c) and (g). The Federal program for which a State may receive authorization is defined in 40 CFR part 271. The State's program, as administered by the Michigan Department of Natural Resources, was approved by EPA pursuant to 42 U.S.C. 6926(b) and part 271 of this chapter. EPA's approval of Michigan's base program was effective on October 30,

1986 (see 51 FR 36804). EPA's approval of the revisions to Michigan's base program was effective on January 23, 1990 (see 54 FR 48608) and RCRA Cluster III authorization effective June 24, 1991 (see 56 FR 18517).

(b) Michigan is authorized to implement certain HSWA requirements in lieu of EPA. EPA has explicitly indicated its intent to allow such action in a FEDERAL REGISTER notice granting Michigan authorization and RCRA Cluster III authorization effective June 24, 1991 (see 56 FR 18517).

(c) Michigan has primary responsibility for enforcing its hazardous waste program. However, EPA retains the authority to exercise its enforcement authorities under sections 3007, 3008, 3013, and 7003 of RCRA, 42 U.S.C. 6927, 6928, 6934, and 6973, as well as under other Federal laws and regulations.

(d) Michigan must revise its approved program to adopt new changes to the Federal Subtitle C program in accordance with section 3006(b) of RCRA and 40 CFR part 271, subpart A. Michigan must seek final authorization for all program revisions, pursuant to section 3006(b) of RCRA but, on a temporary basis, may seek interim authorization for revisions required by HSWA, pursuant to section 3006(g) of RCRA, 42 U.S.C. 6926(g). If Michigan obtains final authorization for the revised requirements pursuant to section 3006(g), the newly authorized provisions will be listed in § 272.1151 of this subpart. If Michigan obtains interim authorization for the revised requirements pursuant to section 3006(g), the newly authorized provisions will be listed in § 272.1152.

[54 FR 7421, Feb. 21, 1989, as amended at 55 FR 18112, May 1, 1990; 57 FR 3724, Jan. 31, 1992]

§ 272.1151 State-administered program: Final authorization.

Pursuant to section 3006(b) of RCRA, 42 U.S.C. 6926(b), Michigan has final authorization for the following elements submitted to EPA in Michigan's base program and program revision applications for final authorization and approved by EPA effective on October 30, 1986 (see 51 FR 36804), January 23, 1990 (see 54 FR 46808), and RCRA Cluster III

authorization effective June 24, 1991 (see 56 FR 18517).

(a) State Statutes and Regulations. (1) The requirements in the Michigan statutes and regulations cited in this paragraph are incorporated by reference and codified as part of the hazardous waste management program under Subtitle C of RCRA, 42 U.S.C. 6921 *et seq.* This incorporation, by reference, was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a).

(i) Michigan Compiled Laws Annotated, §§ 299.501-506, 299.521-522, 299.532-535, 299.537, and 299.539-541 (P.A. 64 of 1979 as amended by P.A. 486 of 1982, effective March 30, 1983). Copies of the State laws incorporated by reference in this paragraph are available from West Publishing Co., 50 West Kellogg Boulevard, P.O. Box 64526, St. Paul, Minnesota 55164-0526.

(ii) Michigan Administrative Code, Rules 299.9101-9206(3)(g), 299.9206(4)-9208(1), 299.9208(3)-9209(1), 9209(4)-(9209(6), 299.9210(2)-9211(1)(a), 299.9211(1)(c)-9212(4), 299.9212(6)-9212(7), 299.9212(8)(b)-9213(1)(a), 299.9213(1)(c), 299.9213(2)-9214(6)(b), 299.9215-9217, 299.9220, 299.9222, 299.9224-9225, 299.9301-9304(1)(b), 299.9304(1)(d)-299.9401(5), 299.9402, 299.9404(1) introductory text, 299.9404(1)(b)-9405, 299.9407-9408(1), 299.9409-9410, 299.9501-9504(1) introductory text, 299.9504(1)(b)-9506, 299.9508-9508(1)(g), 299.9508(1)(i)-9521(1)(b), 299.9521(2)-9522, 299.9601-9611(2)(a), 299.9611(3)-9623(1)(b), 299.9623(3)-9710, 299.9801-9804, 299.11001-11008 (1985 Annual Michigan Administrative Code Supplement, as supplemented by the April 1988 Michigan Register, pages 3-107, and the January 1989 Michigan Register, pages 1-27). Copies of the Michigan regulations that are incorporated by reference in this paragraph are available from the Department of Management and Budget's Publication Office, 7461 Crouner Drive, Lansing, Michigan 48913, Phone: (517) 322-1897. Copies may be inspected at: U.S. EPA Headquarters Library, PM 211A, 401 M St., SW., Washington, DC 20460. Phone: (202) 382-5926; U.S. EPA, Region V, Waste, Pesticides and Toxics Division, Program Management Branch, 7th floor, 77 West Jackson Boulevard, Chicago, IL. Phone: Ms. Judy Feigler, (312)

Environmental Protection Agency

§272.1201

886-4179; and at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.

(2) The following statutes and regulations, although not codified herein for enforcement purposes, are part of the authorized State program.

(i) Michigan Compiled Laws Annotated, §24.201-328 (P.A. 306 of 1969, effective July 1, 1970), §§299.507, 299.514-520, 299.523-528, 299.544, and 299.546-548 (P.A. 64 of 1979 as amended by P.A. 486 of 1982, effective March 30, 1983).

(ii) Michigan Administrative Code Rules 299.9521(1)(c), 299.11101-11107 (1985 Annual Michigan Administrative Code Supplement, as supplemented by the April, 1988 Michigan Register, pages 3-107).

(3) The following statutory and regulatory provisions are broader in scope than the Federal program, are not part of the authorized program, and are not codified herein for enforcement purposes.

(i) Michigan Compiled Laws Annotated, §§299.508-513, 299.529, 299.531, and 299.542-543 (P.A. 64 of 1979 as amended by P.A. 486 of 1982).

(ii) Michigan Administrative Code Rules 299.9208(2), 299.9209 (2) and (3), 299.9210(1), 299.9211(1)(b), 299.9212 (5) and (8)(a), 299.9213(1) (b) and (d), 299.9214(6)(c), 299.9218-9219, 299.9221, 299.9223, 299.9226, 299.9304(1)(c), 299.9401(6), 299.9403, 299.9404(1)(a), 299.9406, 299.9408 (2) and (3), 299.9411-9412, 299.9504(1)(a), 299.9507, 299.9508(1)(h), 299.9523, 299.9611(2) (b) and (c), 299.9623(2), 299.9711, 299.9901-9906 (1985 Michigan Administrative Code Annual Supplement, as supplemented by the April 1988 Michigan Register, pages 3-107, and the January 1989 Michigan Register, pages 1-27).

(b) *Memorandum of Agreement*. The Memorandum of Agreement between EPA—Region V and the Michigan Department of Natural Resources, signed by the EPA Regional Administrator on February 7, 1991, is codified as part of the authorized hazardous waste management program under Subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

(c) *Statement of Legal Authority*. The Michigan Attorney General's Statements for final authorization signed by the Attorney General of Michigan on October 25, 1985, and supplements to that Statement dated June 3, 1986, September 19, 1986, September 7, 1988, and July 31, 1990, are codified as part of the authorized hazardous waste management program under Subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

(d) *Program Description*. The Program Description dated June 30, 1984, and the supplements thereto dated June 30, 1986, September 12, 1988, and July 31, 1990, are codified as part of the authorized hazardous waste management program under subtitle C of RCRA, U.S.C. 6921 *et seq.*

[54 FR 7421, Feb. 21, 1989, as amended at 55 FR 18113, May 1, 1990; 57 FR 3725, Jan. 31, 1992; 62 FR 1834, Jan. 14, 1997; 69 FR 18803, Apr. 9, 2004]

§§272.1152-272.1199 [Reserved]

Subpart Y—Minnesota

§272.1200 [Reserved]

§272.1201 Minnesota State-administered program; Final authorization.

Pursuant to section 3006(b) of RCRA, 42 U.S.C. 6926(b), Minnesota has final authorization for the following elements as submitted to EPA in Minnesota's base program and revision application for final authorization as approved by EPA effective on February 11, 1985. Subsequent program revision applications were approved effective on September 18, 1987, June 23, 1989, August 14, 1990, August 23, 1991, May 18, 1992, May 17, 1993, and March 21, 1994.

(a) *State statutes and regulations*. (1) The Minnesota statutes and regulations cited in appendix A are incorporated by reference as part of the hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

(i) EPA Approved Minnesota Statutory Requirements Applicable to the Hazardous Waste Management Program, dated April 5, 1994.

(ii) EPA Approved Minnesota Regulatory Requirements Applicable to the Hazardous Waste Management Program, dated April 5, 1994.

§§ 272.1202–272.1249

(2) The following statutes and regulations concerning State enforcement, although not incorporated by reference for enforcement purposes, are part of the authorized State program: Minnesota Statutes, Chapters 14.02–14.56; 115.07 Subdivisions 1 and 3; 115.071, 116.091; 116.11, and 116B.09 (June 1992 edition).

(b) [Reserved]

[59 FR 45987, Sept. 6, 1994]

§§ 272.1202–272.1249 [Reserved]

Subpart Z—Mississippi

§§ 272.1250–272.1299 [Reserved]

Subpart AA—Missouri

§ 272.1300 State authorization.

(a) The State of Missouri is authorized to administer and enforce a hazardous waste management program in lieu of the Federal program under Subtitle C of the Resource Conservation and Recovery Act of 1976 (RCRA), 42 U.S.C. 6921 *et seq.*, subject to the Hazardous and Solid Waste Amendments of 1984 (HSWA), (Pub. L. 98–616, Nov. 8, 1984), 42 U.S.C. 6926 (c) and (g)). The Federal program for which a State may receive authorization is defined in 40 CFR part 271. The State's program, as administered by the Missouri Department of Natural Resources was approved by EPA pursuant to 42 U.S.C. 6926(b) and part 271 of this Chapter. EPA's approval was effective on December 4, 1985 (50 FR 47740, November 20, 1985).

(b) Missouri is not authorized to implement any HSWA requirements in lieu of EPA unless EPA has explicitly indicated its intent to allow such action in a FEDERAL REGISTER notice granting Missouri authorization.

(c) Missouri has primary responsibility for enforcing its hazardous waste program. However, EPA retains the authority to exercise its enforcement authorities under sections 3007, 3008, 3013, and 7003 of RCRA, 42 U.S.C. 6927, 6928, 6934, and 6973, as well as under other Federal laws and regulations.

(d) Missouri must revise its approved program to adopt new changes to the Federal Subtitle C program in accordance with section 3006(b) of RCRA and

40 CFR Ch. I (7–1–12 Edition)

40 CFR part 271, subpart A. Missouri must seek final authorization for all program revisions pursuant to section 3006(b) of RCRA, but, on a temporary basis, may seek interim authorization for revisions required by HSWA pursuant to section 3006(g) of RCRA, 42 U.S.C. 6926(g). If Missouri obtains final authorization for the revised requirements pursuant to section 3006(g), the newly authorized provisions will be listed in § 272.1301 of this subpart. If Missouri obtains interim authorization for the revised requirements pursuant to section 3006(g), the newly authorized provision will be listed in § 227.1302.

[54 FR 8193, Feb. 27, 1989]

§ 272.1301 State-administered program; Final authorization.

Pursuant to section 3006(b) of RCRA, 42 U.S.C. 6926(b), Missouri has final authorization for the following elements as submitted to EPA in Missouri's program application for final authorization which was approved on November 20, 1985. Subsequent program revision applications were approved on February 27, 1989, and March 12, 1992. Copies may be obtained from the Hazardous Waste Program, Missouri Department of Natural Resources, P.O. Box 176, Jefferson City, Missouri 65102.

(a) *State statutes and regulations.* (1) The Missouri statutes and regulations cited in this paragraph are incorporated by reference as part of the hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

(i) Missouri Statutory Requirements Applicable to the Hazardous Waste Management Program, 1990.

(ii) Missouri Regulatory Requirements Applicable to the Hazardous Waste Management Program, December 31, 1990.

(2) The following statutes and regulations, although not incorporated by reference for enforcement purposes, are part of the authorized State program. The statutory provisions include: 260.360(4), 260.360(20)–260.377, 260.393–260.394, 260.400, 260.410–260.420, 260.425–260.430. The regulatory provisions include 3.260(1)(A)24–3.260(1)(A)25, 3.260(1)(B)–3.260(1)(D), 4.261(2)(D)3, 5.262(2)(B)2, 5.262(2)(C)2, 5.262(2)(D)1, 6.263(2)(A)10.D–6.263(2)(A)10.I,

Environmental Protection Agency

§ 272.1351

6.263(2)(D)3, 7.264(2)(B)1, 7.265(2)(B), 7.266(2)(E)–7.266(2)(E)3, 7.268(2)(A)1, 7.268(2)(A)3, 7.268(2)(E), 7.270(2)(B)12–7.270(2)(B)13, 7.270(2)(B)18, 7.270(2)(C)1.D, 7.270(2)(C)3, 7.270(2)(D)4.

(3) The following statutory and regulatory provisions are broader in scope than the Federal program, and are not part of the authorized State program. The statutory provisions include: 260.360(13), 260.379, 260.380–1.(10), 260.385(1), 260.390(8), 260.391, 260.395–1–260.295–5, 260.395–7.(5)–260.395–7.(6), 260.396, 260.405, 260.423–260.424, 260.431–260.434. The regulatory provisions include: 3.260(1)(A)21, 4.261(2)(A)6–4.261(2)(D)2, 5.262(2)(I), 6.263(2)(A)3–6.263(2)(A)4, 7.264(2)(P), 7.266(2)(C)–7.266(2)(D), 7.266(2)(E)4–7.266(2)(G), 7.270(2)(B)7–7.270(2)(B)8, 7.270(2)(B)10, 7.270(2)(C)1.A, 7.270(2)(H).

(b) *Memorandum of Agreement.* The Memorandum of Agreement between EPA Region VII and the Missouri Department of Natural Resources, signed by the EPA Regional Administrator on August 30, 1988, and the subsequent Agreement signed on August 31, 1992 are referenced as part of the authorized hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

(c) *Statement of Legal Authority.* (1) “Attorney General’s Statement for Final Authorization,” signed by the Attorney General of Missouri on June 27, 1985, is codified as part of the authorized hazardous waste management program under Subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

(2) “Attorney General’s Statement for Final Authorization of Changes to the Federal RCRA Program,” signed by the delegated Assistant Attorney General of Missouri on December 1, 1987, and the subsequent Statement signed on February 28, 1992, are referenced as part of the authorized hazardous waste management program under subtitle C of RCRA; 42 U.S.C. 6921 *et seq.*

(d) *Program Description.* The Program Description and any other materials submitted as part of the original application or as supplements thereto are codified as part of the authorized hazardous waste management program

under Subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

[54 FR 8193, Feb. 27, 1989, as amended at 58 FR 3500, Jan. 11, 1993]

§§ 272.1302–272.1349 [Reserved]

Subpart BB—Montana

§ 272.1350 [Reserved]

§ 272.1351 Montana State-Administered Program: Final Authorization.

(a) Pursuant to section 3006(b) of RCRA, 42 U.S.C. 6926(b), Montana has final authorization for the following elements as submitted to EPA in Montana’s base program application for final authorization which was approved by EPA effective on July 25, 1984. Subsequent program revision applications were approved effective on, March 21, 1994, December 24, 1996, December 26, 2000 and November 29, 2005.

(b) The State of Montana has primary responsibility for enforcing its hazardous waste management program. However, EPA retains the authority to exercise its inspection and enforcement authorities in accordance with sections 3007, 3008, 3013, 7003 of RCRA, 42 U.S.C. 6927, 6928, 6934, 6973, and any other applicable statutory and regulatory provisions, regardless of whether the State has taken its own actions, as well as in accordance with other statutory and regulatory provisions.

(c) *State Statutes and Regulations.* (1) The Montana regulations cited in paragraph (c)(1)(i) of this section are incorporated by reference as part of the hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921 *et seq.* This incorporation by reference is approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies of the Montana regulations that are incorporated by reference in this paragraph are available from the Montana Secretary of State, Administrative Rules Bureau, P.O. Box 202801, Helena, MT 59620–2801 (Phone: 406–444–2055). You may inspect a copy at EPA Region 8, from 7 a.m. to 4 p.m., 999 18th Street, Suite 300, Denver, Colorado 80202–2466, or at the National Archives and Records Administration (NARA). For information on the availability of

this material at NARA, call 202-741-6030, or go to: <http://www.archives.gov/federal-register/cfr/ibr-locations.html>.

(i) The Binder entitled “EPA Approved Montana Regulatory Requirements Applicable to the Hazardous Waste Management Program”, dated November 2005.

(ii) [Reserved]

(2) EPA considered the following statutes and regulations in evaluating the State program but is not incorporating them herein for enforcement purposes:

(i) Montana Code Annotated (MCA) 2005, Title 2, “Government Structure and Administration”: Chapter 3, “Public Participation in Governmental Operations”, sections 2-3-102 introductory paragraph through 2-3-102(2), 2-3-103(1), 2-3-104, 2-3-105, 2-3-111, 2-3-112, 2-3-221, 2-3-301; Chapter 4, “Administrative Procedure Act”, sections 2-4-103, 2-4-315; Chapter 6, “Public Records”, sections 2-6-101 *et seq.*; Chapter 15, “Executive Branch Officers and Agencies”, sections 2-15-3501 and 2-15-3502.

(ii) Montana Code Annotated (MCA) 2005, Title 25, “Civil Procedure”: Chapter 20, “Rules of Civil Procedure”, Rule 24(a).

(iii) Montana Code Annotated (MCA) 2005, Title 27, “Civil Liability, Remedies, and Limitations”: Chapter 30, “Nuisances”, section 27-30-204.

(iv) Montana Code Annotated (MCA) 2005, Title 30, “Trade and Commerce”: Chapter 14, “Unfair Trade Practices and Consumer Protection”, sections 30-14-402 *et seq.*

(v) Montana Code Annotated (MCA) 2005, Title 75, “Environmental Protection”: Chapter 10, “Waste and Litter Control”, sections 75-10-107, 75-10-402(3), 75-10-403, 75-10-404(1) introductory paragraph and (1)(a), 75-10-404(1)(e), 75-10-404(2), 75-10-405 (except 75-10-405(1)(i), (1)(j) and (2)(a)), 75-10-406, 75-10-408, 75-10-409, 75-10-410, 75-10-411, 75-10-413, 75-10-414, 75-10-415, 75-10-416, 75-10-417, 75-10-418, 75-10-419, 75-10-420, 75-10-421, 75-10-422, 75-10-424, 75-10-425, 75-10-426, 75-10-427, 75-10-441 and 75-10-442; Chapter 20, “Major Facility Siting”.

(vi) Administrative Rules of Montana (ARM), effective April 1, 2005, Title 17, “Environmental Quality”: Chapter 53, Hazardous Waste, sections 17.53.104,

17.53.201, 17.53.202, 17.53.206, 17.53.207, 17.53.208, 17.53.212, 17.53.213, 17.53.214, 17.53.215, 17.53.1202(5)(m), 17.53.1202(6).

(3) The following statutory and regulatory provisions are broader in scope than the Federal program, are not part of the authorized program, are not incorporated by reference and are not federally enforceable:

(i) Montana Code Annotated (MCA) 2005, Title 75, “Environmental Protection”: Chapter 10, “Waste and Litter Control”, sections 75-10-405(1)(i) & (j), 75-10-405(2)(a), 75-10-431, 75-10-432, 75-10-433, 75-10-434.

(ii) Administrative Rules of Montana (ARM), effective April 1, 2005, Title 17, “Environmental Quality”, Chapter 53, Hazardous Waste, sections 17.53.112, 17.53.113, 17.53.703, and 17.53.1202(5)(l), and (17).

(4) *Memorandum of Agreement and Enforcement Agreement*. The Memorandum of Agreement between EPA Region 8 and the State of Montana, signed by the State of Montana Department of Environmental Quality on November 30, 1993, and by the EPA Regional Administrator on December 25, 1993, and the Enforcement Agreement between EPA Region 8 and the State of Montana, signed by the State of Montana Department of Environmental Quality on September 1, 2000, and by the EPA Regional Administrator on September 11, 2000, although not incorporated by reference, are referenced as part of the authorized hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

(5) *Statement of Legal Authority*. “Independent Legal Counsel Statement”, accompanied by an Attorney General concurrence letter signed by the Attorney General of Montana on December 27, 1983 as amended June 7, 1984 and revisions, supplements and addenda to that Statement accompanied by Attorney General concurrence letters dated September 23, 1993, March 28, 1995, June 29, 1995, and April 4, 2005 although not incorporated by reference, are referenced as part of the authorized hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

(6) *Program Description*. The Program Description and any other materials

Environmental Protection Agency

§ 272.1601

submitted as supplements thereto, although not incorporated by reference, are referenced as part of the authorized hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

[71 FR 11538, Mar. 8, 2006]

§§ 272.1352–272.1399 [Reserved]

Subpart CC—Nebraska

§§ 272.1400–272.1449 [Reserved]

Subpart DD—Nevada

§§ 272.1450–272.1499 [Reserved]

Subpart EE—New Hampshire

§§ 272.1500–272.1549 [Reserved]

Subpart FF—New Jersey

§§ 272.1550–272.1599 [Reserved]

Subpart GG—New Mexico

§ 272.1600 [Reserved]

§ 272.1601 New Mexico State-Administered Program: Final Authorization.

(a) Pursuant to section 3006(b) of RCRA, 42 U.S.C. 6926(b), the EPA granted New Mexico final authorization for the following elements as submitted to EPA in New Mexico's base program application for final authorization which was approved by EPA effective on January 25, 1985. Subsequent program revision applications were approved effective on April 10, 1990, July 25, 1990, December 4, 1992, August 23, 1994, December 21, 1994, July 10, 1995, January 2, 1996, March 10, 1997, October 9, 2001, October 16, 2007, May 26, 2009, and December 27, 2010.

(b) The State of New Mexico has primary responsibility for enforcing its hazardous waste management program. However, EPA retains the authority to exercise its inspection and enforcement authorities in accordance with sections 3007, 3008, 3013, 7003 of RCRA, 42 U.S.C. 6927, 6928, 6934, 6973, and any other applicable statutory and regulatory provisions, regardless of whether the State has taken its own actions, as well as in

accordance with other statutory and regulatory provisions.

(c) *State Statutes and Regulations.*

(1) The New Mexico statutes and regulations cited in paragraph (c)(1)(i) of this section are incorporated by reference as part of the hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921 *et seq.* The Director of the Federal Register approves this incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. You may obtain copies of the New Mexico regulations that are incorporated by reference in this paragraph from the New Mexico Commission of Public Records, State Records Center and Archives, Administrative Law Division, 1205 Camino Carlos Rey, Santa Fe, NM 87507. The statutes are available from Conway Greene Company, 1400 East 30th Street, Suite #402, Cleveland, OH 44114. You may inspect a copy at EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202 (Phone number (214) 665-8533), or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741-6030, or go to: <http://www.archives.gov/federal-register/cfr/ibr-locations.html>.

(i) The binder entitled "EPA-Approved New Mexico Statutory and Regulatory Requirements Applicable to the Hazardous Waste Management Program" dated December 2010.

(ii) [Reserved]

(2) The following provisions provide the legal basis for the State's implementation of the hazardous waste management program, but they are not being incorporated by reference and do not replace Federal authorities:

(i) New Mexico Rules Annotated, Rules of Civil Procedure for the District Courts, Article 4, (1995), Section 1-024.

(ii) New Mexico Statutes 1978 Annotated, Inspection of Public Records Act, Chapter 14, Article 2, (2009 Cumulative Supplement), Sections 14-2-1 *et seq.*

(iii) New Mexico Statutes 1978 Annotated, Hazardous Waste Act, Chapter 74, Article 4, (2000 Replacement Pamphlet), Sections 74-4-4.1, 74-4-4.7.B and .C, 74-4-5, 74-4-7, 74-4-10.1 (except 74-4-10.1.C), and 74-4-14.

(iv) New Mexico Statutes 1978 Annotated, Hazardous Waste Act, Chapter 74, Article 4, (2009 Cumulative Supplement), Sections 74-4-4, 74-4-4.2.C through 74-4-4.2.F, 74-4-4.2.G(1), 74-4-4.2.H, 74-4-4.2.I, 74-4-4.3 (except 74-4-4.3.A(2) and 74-4-4.3.F), 74-4-10, 74-4-11 through 74-4-13.

(v) Title 20, Chapter 4, Part 1, New Mexico Administrative Code, effective March 1, 2009, unless otherwise indicated: Sections 20.4.1.901 (except 20.4.1.901.B.1 through 20.4.1.901.B.7, and 20.4.1.901.E), 20.4.1.1100 (June 14, 2000), 20.4.1.1104 (June 14, 2000), 20.4.1.1105 (June 14, 2000), and 20.4.1.1107 (October 1, 2003).

(3)(i) The following statutory provisions are broader in scope than the

Federal program, are not part of the authorized program, and are not incorporated by reference:

(ii) New Mexico Statutes 1978 Annotated, Hazardous Waste Act, Chapter 74, Article 4, (2000 Replacement Pamphlet), Section 74-4-3.3.

(iii) New Mexico Statutes 1978 Annotated, Hazardous Waste Act, Chapter 74, Article 4, (2009 Cumulative Supplement), Sections 74-4-4.2.J and 74-4-4.2.K.

(4) *Unauthorized State Amendments.*

(i) The State's adoption of the Federal rules listed in the following table is not approved by the EPA and is therefore, not enforceable:

Federal requirement	FEDERAL REGISTER reference	Publication date
Biennial Report	48 FR 3977	01/28/83
Permit Rules; Settlement Agreement	48 FR 39611	09/01/83
Interim Status Standards; Applicability	48 FR 52718	11/22/83
Chlorinated Aliphatic Hydrocarbon Listing (F024)	49 FR 5308	02/10/84
National Uniform Manifest	49 FR 10490	03/20/84
National Performance Track Program	69 FR 21737	04/24/04
	69 FR 62217	10/24/04
Performance Track provisions addressed in the Burden Reduction Initiative Rule.	71 FR 16862	04/04/06

(ii) In the New Mexico's Program Revision Application package for RCRA Clusters XIII through XVIII, the State indicates that it is seeking authorization for breaking and crushing of universal waste lamps under the universal waste program, in order to reduce their volume to facilitate management or transport to destination facilities (see 75 FR 65432, Oct. 25, 2010). However, EPA did not authorize the breaking and crushing of universal waste lamps. The Agency needs further analysis to determine if the breaking and crushing of universal waste lamps will be authorized as part of the State's authorized program. Therefore, in this codification notice EPA has determined to exclude the lamp crushing provisions from this codification.

(5) *Memorandum of Agreement.* The Memorandum of Agreement between EPA Region 6 and the State of New Mexico, signed by the EPA Regional Administrator on October 12, 2010, is referenced as part of the authorized hazardous waste management program

under subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

(6) *Statement of Legal Authority.* "Attorney General's Statement for Final Authorization", signed by the Attorney General of New Mexico January 1985, and revisions, supplements and addenda to that Statement dated April 13, 1988; September 14, 1988; July 19, 1989; July 23, 1992; February 14, 1994; July 18, 1994; July 20, 1994; August 11, 1994; November 28, 1994; August 24, 1995; January 12, 1996; June 14, 2000, August 3, 2006, September 15, 2008, and March 18, 2009, are referenced as part of the authorized hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

(7) *Program Description.* The Program Description and any other materials submitted as supplements thereto are referenced as part of the authorized hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

[77 FR 3156, Jan. 23, 2012]

§§ 272.1602–272.1649 [Reserved]

Subpart HH—New York

§ 272.1650 [Reserved]

§ 272.1651 New York State-Administered Program: Final authorization.

(a) Pursuant to section 3006(b) of RCRA, 42 U.S.C. 6926(b), New York has final authorization for the following elements as submitted to EPA in New York's base program application for final authorization which was approved by EPA effective on May 29, 1986. Subsequent program revision applications were approved effective on July 3, 1989, May 7, 1990, October 29, 1991, May 22, 1992, August 28, 1995, October 14, 1997, January 15, 2002, March 14, 2005, and August 31, 2009. (NOTE: Both the Federal and State requirements for the NY State Public Utilities Project XL, which were authorized effective August 31, 2009, will, unless extended, expire on May 24, 2011.)

(b) The State of New York has primary responsibility for enforcing its hazardous waste management program. However, EPA retains the authority to exercise its inspection and enforcement authorities in accordance with sections 3007, 3008, 3013, 7003 of RCRA, 42 U.S.C. 6927, 6928, 6934, 6973, and any other applicable statutory and regulatory provisions, regardless of whether the State has taken its own actions, as well as in accordance with other statutory and regulatory provisions.

(c) *State statutes and regulations.* (1) The New York regulations cited in paragraph (c)(1)(i) of this section are incorporated by reference as part of the hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921 *et seq.* The Director of Federal Register approves this incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. You may obtain copies of the New York regulations that are incorporated by reference in this paragraph from West Group, 610 Opperman Drive, Eagan, MN 55123, *Attention:* D3-10 (Phone #: 1-800-328-9352). You may inspect a copy at EPA Region 2 Library, 290 Broadway, 16th Floor, New York, NY 10007 (Phone number: (212) 637-3185), or at the National Archives and Records Adminis-

tration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: <http://www.archives.gov/federal-register/cfr/ibr-locations.html>.

(i) The Binder entitled “EPA Approved New York Regulatory Requirements Applicable to the Hazardous Waste Management Program”, dated July 2009.

(ii) [Reserved]

(2) EPA considered the following statutes and regulations in evaluating the State program but is not incorporating them herein for enforcement purposes:

(i) Environmental Conservation Laws (ECL), 1997 Replacement Volume, as revised by the 2004 Cumulative Pocket Part: sections 1-0303(18), 3-0301(1) (introductory paragraph); 3-0301(1)(a) and (b); 3-0301(1)(m); 3-0301(1)(o); 3-0301(1)(w); 3-0301(1)(x); 3-0301(1)(cc); 3-0301(2) introductory paragraph; 3-0301(2)(a), (b), (d) through (j), (l), (m) and (q); 3-0301(2)(z); 3-0301(4); 19-0301(1) (except 19-0301(c), (e) and (f)); 19-0303(1) through (3); 19-0304; 27-0105; 27-0701; 27-0703; 27-0705; 27-0707 (except 27-0707(2-c)); 27-0711; 27-0900 through 27-0908; 27-0909 (except 27-0909(5)); 27-0910 through 27-0922; 27-1105; 70-0101; 70-0103; 70-0105 (except 70-0105(3) and 70-0105(6)); 70-0107(1) and (2); 70-0107(3) introductory paragraph; 70-0107(3)(1); 70-0109; 70-0113; 70-0115 (except (2)(c) and (d)); 70-0117 (except 70-0117(5)–(7); 70-0119; 70-0121; 71-0301; 71-1719; 71-2705; 71-2707; 71-2709 through 71-2715; 71-2717; 71-2720; and 71-2727.

(ii) [Reserved]

(iii) McKinney's Consolidated Laws of New York, Book 1, Executive Law (EL), Article 6: Section 102.

(iv) McKinney's Consolidated Laws of New York, Book 46, Public Officers Law (POL), as amended through 2004: Sections 87 and 89.

(v) McKinney's Consolidated Laws of New York, Book 7B, Civil Practice Law and Rules (CPLR), as amended through 2004: Sections 1013, 6301; 6311; and 6313.

(vi) Title 6, New York Codes, Rules and Regulations (6 NYCRR), Volume A-2A, Hazardous Waste Management System, as amended through September 5, 2006: Sections 372.1(f); 373-1.1(f) and (g); 373-1.4(b); 373-1.4(d) through (f); 373-1.6(c); 621.1 through

621.4; 621.5 (except (d)(5), (d)(6)(i), (d)(7)(i)(a), (d)(7)(i)(c) and (d)(9)); 621.6 (except (b), (d)(4) and (d)(5)); 621.7; 621.8; 621.9 (except (a)(5), (c)(2) and (e)(2)); 621.10; 621.11 (except (d)); 621.12 through 621.15; and 621.16 (except (b), (d) and (e)).

(3) The following statutory and regulatory provisions are broader in scope than the Federal program, are not part of the authorized program, are not incorporated by reference and are not federally enforceable:

(i) Environmental Conservation Laws (ECL), 1997 Replacement Volume, as revised by the 2004 Cumulative Pocket Part: Sections 27–0301; 27–0303; 27–0305; 27–0307; 27–0909(5); 27–0923; 27–0925 and 27–0926.

(ii) Environmental Conservation Laws (ECL), 1997 Replacement Volume, as revised by the 2006 Cumulative Pocket Part: Section 27–1109(6).

(iii) Title 6, New York Codes, Rules and Regulations (6 NYCRR), Volume A–2A, Hazardous Waste Management System, as amended through September 5, 2006: Sections 370.2(b)(92) “Household hazardous waste”; 370.2(b)(93) “Household collection facility”; 371.4(e); 372.1(e)(9); 372.2(b)(5)(ii); 372.3(a)(1); 372.3(a)(4); 372.3(b)(6)(iv); 372.3(d)(3); 373–1.1(d)(1)(x); 373–1.4(c); 373–2.5(b)(3)(ii)(d); 373–2.5(b)(3)(ii)(e); 373–2.15(a)(2); 373–3.5(b)(3)(ii)(d); 373–3.5(b)(3)(ii)(e); 374–3.4(a)(2); and 376.4(f).

(iv) At 371.4(c), New York retains K064, K065, K066, K090 and K091 as hazardous wastes while EPA has removed them from the table at 40 CFR 261.32 and no longer regulates them as hazardous wastes (64 FR 56469; October 20, 1999).

(v) Throughout New York’s hazardous waste regulations, the State cross-references Part 364, which sets forth additional transporter requirements including permit and liability requirements (for examples, see 6 NYCRR sections 372.2(b)(8), 373–1.7(h)(3), 374–3.3(i)(1) and (2), 374–3.4(a), 374–3.6(a)(1) and Appendix 30 Instructions for Generators/Item 8). The transporter permit and liability requirements are broader in scope than the Federal program.

(vi) New York did not adopt an analog to 40 CFR 261.4(g) that excludes certain dredged materials from the State

definition of hazardous waste. Instead, the State subjects these materials to full regulation as hazardous wastes.

(vii) New York State regulations do not incorporate the Mineral Processing Secondary Materials Exclusion at 40 CFR 261.4(a)(17) and the related changes affecting 40 CFR 261.2(c)(3) and (c)(4)/Table, and 40 CFR 261.2(e)(1)(iii). Since New York did not adopt the exclusion at 40 CFR 261.4(a)(17) the State has a broader in scope program because the effect is to include materials that are not considered solid waste by EPA.

(viii) At 373–4, New York implements a Household Hazardous Waste program, whereas the Federal program excludes household waste from regulation as hazardous waste at 261.4(b)(1).

(ix) The following New York provisions are broader in scope because they include requirements associated with the regulation of PCB waste as a state-only hazardous waste: 372.1(e)(9) and 376.1(g)(1)(i), 376.4(f). PCB wastes are regulated under the Federal Toxic Substances Control Act (TSCA) at 40 CFR part 761 rather than under the Federal RCRA program.

(4) *Memorandum of Agreement.* The Memorandum of Agreement between EPA Region 2 and the State of New York, signed by the Commissioner of the State of New York Department of Environmental Conservation on July 20, 2001, and by the EPA Regional Administrator on January 16, 2002, although not incorporated by reference, is referenced as part of the authorized hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

(5) *Statement of Legal Authority.* “Attorney General’s Statement for Final Authorization”, signed by the Attorney General of New York in 1985 and revisions, supplements and addenda to that Statement dated August 18, 1988, July 26, 1989, August 15, 1991, October 11, 1991, July 28, 1994, May 30, 1997, February 5, 2001, April 2, 2004 and June 13, 2008 (including three certifications), although not incorporated by reference, are referenced as part of the authorized hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

(6) *Program Description.* The Program Description and any other materials

Environmental Protection Agency

§272.1751

submitted as supplements thereto, although not incorporated by reference, are referenced as part of the authorized hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

[75 FR 45492, Aug. 3, 2010]

§§ 272.1652–272.1699 [Reserved]

Subpart II—North Carolina

§§ 272.1700–272.1749 [Reserved]

Subpart JJ—North Dakota

§ 272.1750 [Reserved]

§ 272.1751 North Dakota State-administered program: Final authorization.

(a) Pursuant to section 3006(b) of RCRA, 42 U.S.C. 6926(b), North Dakota has final authorization for the following elements as submitted to EPA in North Dakota's base program application for final authorization which was approved by EPA effective on October 19, 1984. Subsequent program revision applications were approved effective on August 24, 1990, July 6, 1992, June 6, 1994, March 20, 2000, November 25, 2005, and April 14, 2008.

(b) The State of North Dakota has primary responsibility for enforcing its hazardous waste management program. However, EPA retains the authority to exercise its inspection and enforcement authorities in accordance with sections 3007, 3008, 3013, 7003 of RCRA, 42 U.S.C. 6927, 6928, 6934, 6973, and any other applicable statutory and regulatory provisions, regardless of whether the State has taken its own actions, as well as in accordance with other statutory and regulatory provisions.

(c) *State Statutes and Regulations.* (1) The North Dakota statutes and regulations cited in paragraph (c)(1)(i) of this section are incorporated by reference as part of the hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921, *et seq.* The Director of the Federal Register approves this incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. You may obtain copies of the North Dakota statutes that are incorporated by reference from the Matthew Bender & Company Inc., P. O. Box 7587,

Charlottesville, VA, 22906-7587, phone number: (800) 833-9844. You may obtain copies of the North Dakota regulations that are incorporated by reference in this paragraph from the North Dakota Legislative Counsel, Second Floor, State Capitol, 600 E Boulevard, Bismarck ND 58505, phone: (701) 328-2916. You may inspect a copy at EPA Region 8, from 7 a.m. to 4 p.m., 1595 Wynkoop Street, Denver, CO, 80202, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: <http://www.archives.gov/federal-register/cfr/ibr-locations.html>.

(i) The Binder entitled “EPA Approved North Dakota Statutory and Regulatory Requirements Applicable to the Hazardous Waste Management Program”, dated July 2006.

(ii) [Reserved]

(2) EPA considered the following statutes and regulations in evaluating the State program but is not incorporating them herein for enforcement purposes:

(i) North Dakota Century Code, 1998 Replacement, Volume 13A, North Dakota Constitution, Article XI: Sections 5 and 6.

(ii) North Dakota Century Code, 2002 Replacement, Volume 4A, Chapter 23-01 “Department of Health” Section 23-01-04.1, (except (6)).

(iii) North Dakota Century Code, Volume 4A, 2002 Replacement, as amended by the 2005 Pocket Supplement. Chapter 23-20.3 “Hazardous Waste”: Sections 23-20.3-01, (except (5) and (6)); 23-20.3-02, (except (1), (9), (11), (12), and (17)); 23-20.3-03; 23-20.3-04; 23-20.3-05(3), (5), (6), and (8); 23-20.3-06; 23-20.3-07; 23-20.3-08; 23-20.3-09; and 23-20.3-10.

(iv) North Dakota Century Code, Volume 4A, 2002 Replacement. Chapter 23-29 “Solid Waste Management”: Section 23-29-04.

(v) North Dakota Century Code, Volume 5, 1991 Replacement. Chapter 28-32 “Administrative Agencies Practice Act”: Section 28-32-21.1.

(vi) North Dakota Century Code, Volume 6, 1996 Replacement. Chapter 32-40 “Environmental Law Enforcement”: Sections 32-40-03; 32-40-04; 32-40-05; 32-

40–06; 32–40–07; 32–40–08; 32–40–09; 32–40–10; and 32–40–11.

(vii) North Dakota Century Code, Volume 9A, 2001 Replacement, as amended by the 2003 Pocket Supplement, Chapter 44–04 “Duties, Records, and Meetings”: Sections 44–04–18; 44–04–18.1; 44–04–18.2; 44–04–18.3; 44–04–18.4; 44–04–18.5; 44–04–18.6; 44–04–18.7; 44–04–18.8; 44–04–19; and 44–04–19.1.

(viii) North Dakota Administrative Code (NDAC), Article 33–24, Hazardous Waste Management, as amended through December 1, 2003: sections 33–24–01–15; 33–24–01–16; 33–24–06–05, (except .1.c); 33–24–06–06.2 and .3; 33–24–06–09; 33–24–06–15, (except introductory paragraph through .1.a); 33–24–07–03.4; 33–24–07–04 through 33–24–07–14; and 33–24–07–25 through 33–24–07–27.

(3) The following statutory and regulatory provisions are broader in scope than the federal program, are not part of the authorized program, are not incorporated by reference and are not federally enforceable:

(i) North Dakota Century Code, 2002 Replacement, Volume 4A, Chapter 23–01: “Department of Health”, “Rule-making Authority and Procedure” Section 23–01–04.1(6).

(ii) North Dakota Century Code, Volume 4A, 2002 Replacement, as amended by the 2005 Pocket Supplement, Chapter 23–20.3 “Hazardous Waste”: Sections 23–20.3–02 (1); 23–20.3–05.1; 23–20.3–05.2; and 23–20.3–05.3.

(iii) North Dakota Administrative Code (NDAC), Article 33–24, “Hazardous Waste Management”, as amended through December 1, 2003, sections 33–24–04–02.3, 33–24–06–14.3.a(4) and 33–24–06–21.

(iv) North Dakota’s hazardous waste regulations set forth additional transporter requirements including permit requirements at 33–24–04–02. The transporter permit requirements are broader in scope than the federal program.

(4) *Unauthorized State Amendments.* (i) The authorized provisions at sections of the NDAC Article 33:24, as amended through December 1, 2003 include amendments that are not approved by EPA. Such unauthorized amendments are not part of the State’s authorized program and are, therefore, not federally enforceable. Thus, notwithstanding the language in the North Da-

kota hazardous waste regulations incorporated by reference at paragraph (c)(1)(i) of this section, EPA will enforce the State regulations that are actually authorized by EPA. The effective dates of the State’s authorized provisions are listed in the following table.

NORTH DAKOTA ADMINISTRATIVE CODE (NDAC),
ARTICLE 33–24

State citation	Description	Effective date
33–24–02–07.4 introductory paragraph.	Residues of Hazardous Waste in Empty Containers.	10/1/86
33–24–03–12.2 33–24–05–421	Accumulation Time Applicability of Definitions.	1/1/84 12/1/91
33–24–06–17.2.y(8).	Contents of Permit Application.	1/1/84

(ii) The actual State regulatory text authorized by EPA (i.e., without the unauthorized amendments) is available as a separate document, *Addendum to the EPA Approved North Dakota Statutory and Regulatory Requirements Applicable to the Hazardous Waste Management Program, July 2006*. This document is available from EPA Region 8, from 9 a.m. to 4 p.m., 1595 Wynkoop Street, Denver, Colorado 80202.

(5) *Memorandum of Agreement.* The Memorandum of Agreement between EPA Region 8 and the State of North Dakota, signed by the State of North Dakota State Department of Health on June 6, 2003, and by the EPA Regional Administrator on August 29, 2003, although not incorporated by reference, is referenced as part of the authorized hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921, *et seq.*

(6) *Statement of Legal Authority.* “Attorney General’s Statement: Hazardous Waste Management Program” signed by the Attorney General of North Dakota on June 8, 1984, and revisions, supplements, and addenda to that Statement dated February 22, 1989, February 11, 1994, October 13, 1999, April 23, 2004, and August 19, 2004, although not incorporated by reference, are referenced as part of the authorized hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921, *et seq.*

(7) *Program Description.* The Program Description and any other materials

Environmental Protection Agency

§ 272.1801

submitted as supplements thereto, although not incorporated by reference, are referenced as part of the authorized hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921, *et seq.*

[73 FR 8615, Feb. 14, 2008]

§§ 272.1752–272.1799 [Reserved]

Subpart KK—Ohio

§ 272.1800 State authorization.

(a) The State of Ohio is authorized to administer and enforce a hazardous waste management program in lieu of the Federal program under subtitle C of the Resource Conservation and Recovery Act of 1976 (RCRA), 42 U.S.C. 6291 *et seq.*, subject to the Hazardous and Solid Waste Amendments of 1984 (HSWA) (Pub. L. 98–616, November 8, 1984), 42 U.S.C. 6926 (c) and (g). The Federal program for which a State may receive authorization is defined in 40 CFR part 271. The State's program, as administered by the Ohio Environmental Protection Agency, was approved by EPA pursuant to 42 U.S.C. 6926(b) and part 271 of this chapter. EPA's approval of Ohio's base RCRA program was effective on June 30, 1989 (see 54 FR 27173). EPA's approval of revisions to Ohio's base program was effective on June 7, 1991 (see 56 FR 14203) and August 19, 1991 (see 56 FR 28088).

(b) Ohio is authorized to implement certain HSWA requirements in lieu of EPA. EPA has explicitly indicated its intent to allow much action in a FEDERAL REGISTER notice granting Ohio authorization on June 7, 1991 (see 56 FR 14203) and August 19, 1991 (see 56 FR 28088).

(c) Ohio has primary responsibility for enforcing its hazardous waste program. However, EPA retains the authority to exercise its enforcement authorities under Section 3007, 3008, 3013, and 7003 of RCRA, 42 U.S.C. 6927, 6928, 6934, and 6973, as well as under other Federal laws and regulations.

(d) Ohio must revise its approved program to adopt new changes to the Federal Subtitle C program, in accordance with section 3006(b) of RCRA and 40 CFR part 271, subpart A. Ohio must seek final authorization for all program revisions pursuant to section

3006(b) of RCRA but, on a temporary basis, may seek interim authorization for revisions required by HSWA pursuant to section 3006(b) of RCRA, 42 U.S.C. 6926(g). If Ohio obtains final authorization for the revised requirements pursuant to section 3006(b), the newly authorized provisions will be listed in 272.1801 of this subpart. If Ohio in the future obtains interim authorization for the revised requirements pursuant to section 3006(g), the newly authorized provisions will be listed in § 272.1802.

[54 FR 27173, June 28, 1989, as amended at 57 FR 4162, Feb. 4, 1992]

§ 272.1801 State-administered program: Final authorization.

Pursuant to section 3006(b) of RCRA, 42 U.S.C. 6926(b): Ohio has final authorization for the following elements submitted to EPA in Ohio's program application for final authorization and approved by EPA effective on June 30, 1989 (see 54 FR 27173), June 7, 1991 (see 56 FR 14203) and August 19, 1991 (see 56 FR 28088).

(a) *State Statutes and Regulations.* (1) The following Ohio regulations are incorporated by reference and codified as part of the hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921 *et seq.* This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a). Ohio Administrative Code, volume 4, chapter 3745, rules: 49–031; 50–01; 50–03; 50–10; 50–11; 50–31 through 50–32; 50–40 through 50–44(C)(3)(j); 50–44(C)(4) through 50–44(C)(4)(k); 50–44(C)(5) through 50–44(C)(5)(i); 50–44(C)(6) through 50–44(C)(7)(j); 50–44(C)(8) through 51–03(C)(2)(b)(ii); 51–03 (D) and (E); 51–04 through 51–05; 51–06(A)(1) through 51–06(A)(3)(g); 51–06(B) through 52–20(F); 52–20 Appendix I through 52–34(F); 52–40 through 52–44; 52–50 through 53–10; 53–11(D) through 53–20(H); 53–21 through 54–99; 55–02 through 55–99; 56–20 through 56–31; 56–33 (A) and (B); 56–50 through 56–60; 56–70 through 56–83; 57–01 through 57–14(B); 57–14(E); 57–15 through 57–18; 57–40 through 58–40; 58–42; 58–43 through 58–44; 58–45(A) through 58–45(E); 58–45(G); 58–46; 58–50 through 58–54; 58–60 through 65–01(C); 65–01(E); 65–10 through 68–14(C); 68–14(F); 68–15

through 68–52; 68–70 through 68–83; 68–011(A) through 68–011(E); 69–01 through 69–30 (OAC June 30, 1990, as supplemented by 1990–1991 Ohio Monthly Record, pages 70–80 (July 1990)). Copies of the Ohio regulations that are incorporated by reference in this paragraph are available from Banks-Baldwin Law Publishing Company, P.O. Box 1974, University Center, Cleveland, Ohio 44106–8697. Customer Service Department.

(2) The following statutory provisions and regulations concerning State enforcement, although not codified herein for enforcement purposes, are part of the authorized State program:

(i) Ohio Revised Code, title 1, chapter 119, sections: 01 through 06.1, and 07 through 13; Ohio Revised Code, title 1, chapter 149, sections 011, 43, and 44 (Banks-Baldwin, 1990); Ohio Revised Code, title 37, chapter 3734, sections: 01 through 05, 07, 09 through 14.1, 16 through 17, 20 through 22, and 31 through 99 (Banks-Baldwin, 1990).

(ii) Ohio Administrative Code, volume 4, chapter 3745, rules: 49–031, 50–21 through 50–30, and 51–03(F) (OAC June 30, 1990, as supplemented by 1990–1991 Ohio Monthly Record, pages 70–80 (July, 1990)).

(3) The following statutory and regulatory provisions are broader in scope than the Federal program, are not part of the authorized program, and are not codified for enforcement purposes.

(i) Ohio Revised Code, Title 37, Chapter 3734, Sections: 06, 08, 18 through 19, and 23 through 30 (Page, 1987).

(ii) Ohio Administrative Code, Volume 4, Chapter 3745, Rules: 50–33 through 50–37, and 53–11(A) through 53–11(C) (OAC June 30, 1988).

(b) Memorandum of Agreement. The Memorandum of Agreement between EPA Region V and the Ohio Environmental Protection Agency signed by the EPA Regional Administrator on March 6, 1989, is codified as part of the authorized hazardous waste management program under Subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

(c) *Statement of Legal Authority.* (1) “Attorney General’s Statement for Final Authorization,” signed by the Attorney General of Ohio on July 1, 1985, and supplements to that Statement dated June 13, 1990, and October

15, 1990, are codified as part of the authorized hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

(2) Supplemental “Attorney General’s Statements for Final Authorization,” and addenda to such Statements signed by the Attorney General of Ohio on December 30, 1988, and February 24, 1989, are codified as part of the authorized hazardous waste management program under Subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

(d) *Program Description.* The Program Description and any other materials submitted as part of the original application or as supplements thereto dated November 8, 1990, and December 11, 1990, are codified as part of the authorized hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

[54 FR 27173, June 28, 1989, as amended at 57 FR 4162, Feb. 4, 1992]

§§ 272.1802–272.1849 [Reserved]

Subpart LL—Oklahoma

§ 272.1850 [Reserved]

§ 272.1851 Oklahoma State-administered program: Final authorization.

(a) Pursuant to section 3006(b) of RCRA, 42 U.S.C. 6926(b), the EPA granted Oklahoma final authorization for the following elements as submitted to EPA in Oklahoma’s base program application for final authorization which was approved by EPA effective on January 10, 1985. Subsequent program revision applications were approved effective on June 18, 1990, November 27, 1990, June 3, 1991, November 19, 1991, November 29, 1993, December 21, 1994, April 27, 1995, March 14, 1997, July 14, 1998 and November 23, 1998, February 8, 1999, March 30, 2000, July 10, 2000, March 5, 2001, June 9, 2003 and April 6, 2009.

(b) The State of Oklahoma has primary responsibility for enforcing its hazardous waste management program. However, EPA retains the authority to exercise its inspection and enforcement authorities in accordance with sections 3007, 3008, 3013, 7003 of RCRA, 42 U.S.C. 6927, 6928, 6934, 6973, and any other applicable statutory and regulatory provisions, regardless of whether the State

Environmental Protection Agency

§272.1851

has taken its own actions, as well as in accordance with other statutory and regulatory provisions.

(c) *State Statutes and Regulations.*

(1) The Oklahoma statutes and regulations cited in paragraph (c)(1)(i) of this section are incorporated by reference as part of the hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921 *et seq.* The Director of the Federal Register approves this incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. You may obtain copies of the Oklahoma regulations that are incorporated by reference in this paragraph from the State's Office of Administrative Rules, Secretary of State, P.O. Box 53390, Oklahoma City, OK 73152-3390; Phone number: 405-521-4911; Web site: http://www.sos.state.ok.us/oar/oar_welcome.htm. The statutes are available from West Publishing Company, 610 Opperman Drive, P.O. Box 64526, St. Paul, Minnesota 55164-0526; Phone: 1-800-328-4880; Web site: <http://west.thomson.com>. You may inspect a copy at EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202 (Phone number (214) 665-8533), or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: <http://www.archives.gov/federal-register/cfr/ibr-locations.html>.

(i) The binder entitled "EPA Approved Oklahoma Statutory and Regulatory Requirements Applicable to the Hazardous Waste Management Program", dated April 4, 2009.

(ii) [Reserved]

(2) The following provisions provide the legal basis for the State's implementation of the hazardous waste management program, but they are not being incorporated by reference and do not replace Federal authorities:

(i) Oklahoma Environmental Crimes Act, as amended through 2007, 21 Oklahoma Statutes (O.S.), Sections 1230.1 *et seq.*

(ii) Oklahoma Open Meetings Act, as amended through 2007, 25 Oklahoma Statutes (O.S.), Sections 301 *et seq.*

(iii) Oklahoma Statutes, Title 27A, "Environment and Natural Resources", as amended through 2007: Chapter 1, "Oklahoma Environmental Quality

Act", Sections 1-1-101 *et seq.*; Chapter 2, "Oklahoma Environmental Quality Code", Sections 2-2-101, 2-2-104, 2-2-201, 2-3-101(F)(1), 2-3-104, 2-3-202, 2-3-501, 2-3-502, 2-3-503, 2-3-504; "Oklahoma Hazardous Waste Management Act", Sections 2-7-102, 2-7-104, 2-7-105 (except 2-7-105(27), 2-7-105(29) and 2-7-105(34)), 2-7-106, 2-7-107, 2-7-108(B)(2), 2-7-109, 2-7-110(A), 2-7-111(C)(2)(b) and (c), 2-7-111(C)(3), 2-7-113.1, 2-7-115, 2-7-116(A), 2-7-116(G), 2-7-116(H)(1), 2-7-117, 2-7-123, 2-7-126, 2-7-129, 2-7-130, 2-7-131, 2-7-132, and 2-7-133; "Oklahoma Uniform Environmental Permitting Act", Sections 2-14-101 *et seq.*

(iv) Oklahoma Open Records Act, as amended through 2007, 51 Oklahoma Statutes (O.S.), Sections 24A.1 *et seq.*

(v) Oklahoma Administrative Procedures Act, as amended through 2007, 75 Oklahoma Statutes (O.S.), Sections 250 *et seq.*

(vi) The Oklahoma Administrative Code (OAC), Title 252, Chapter 205, Hazardous Waste Management, effective July 1, 2008: Subchapter 1, Sections 252:205-1-1(b), 252:205-1-3(a) and (b), 252:205-1-4(a)-(d); Subchapter 3, Sections 252:205-3-2(a) introductory paragraph, 252:205-3-2(a)(1) and 252:205-3-2(a)(3); Subchapter 11, Section 252:205-11-3.

(3) The following statutory and regulatory provisions are broader in scope than the Federal program, are not part of the authorized program, and are not incorporated by reference:

(i) Oklahoma Hazardous Waste Management Act, as amended, 27A Oklahoma Statutes (O.S.) as amended through 2007, Sections 2-7-119, 2-7-120, 2-7-121, 2-7-121.1 and 2-7-134.

(ii) The Oklahoma Administrative Code (OAC), Title 252, Chapter 205, effective July 1, 2008: Subchapter 1, Sections 252:205-1-1(c)(2) and (3), 252:205-1-2 "RRSIA", 252:205-1-2 "Reuse", 252:205-1-2 "Speculative accumulation", 252:205-1-2 "Transfer facility", 252:205-1-2 "Transfer station", 252:205-1-4(e); Subchapter 5, Section 252:205-5-1(4), Subchapter 15; Subchapter 17; Subchapter 21; Subchapter 23; and 252:205 Appendices B, C and D.

(4) *Unauthorized State Amendments.* The State's adoption of the Federal rules listed in the following table is not

§ 272.1851

40 CFR Ch. I (7–1–12 Edition)

approved by the EPA and are, therefore, not enforceable:

Federal requirement	FEDERAL REGISTER reference	Publication date
Toxicity Characteristics; Hydrocarbon Recovery Operations	55 FR 40834	10/5/90
	56 FR 3978	2/1/91
	56 FR 13406	4/2/91
Toxicity Characteristics; Chlorofluorocarbon Refrigerants	56 FR 5910	2/13/91
Administrative Stay for K069 Listing	56 FR 19951	5/1/91
Amendments to Interim Status Standards for Downgradient Ground-water Monitoring Well Locations.	56 FR 66365	12/23/91
Removal of Legally Obsolete Rules	60 FR 33912	6/29/95
Mineral Processing Secondary Materials Exclusion—Amendments to 40 CFR	63 FR 28556	5/26/98
Methods Innovation: SW-846	70 FR 34538	6/14/05
	70 FR 44150	8/1/05

(5) *Memorandum of Agreement*. The Memorandum of Agreement between EPA Region 6 and the State of Oklahoma, signed by the EPA Regional Administrator on November 11, 2009, is referenced as part of the authorized hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

(6) *Statement of Legal Authority*. “Attorney General’s Statement for Final Authorization”, signed by the Attorney General of Oklahoma January 20, 1984 and revisions, supplements and addenda to that Statement dated January 14, 1988 (as amended July 20, 1989); December 22, 1988 (as amended June 7, 1989 and August 13, 1990); November 20, 1989, November 16, 1990, November 6, 1992, June 24, 1994, December 8, 1994, March 4, 1996, April 15, 1997, February 6, 1998, December 2, 1998, October 15, 1999, May 31, 2000, October 15, 2001, June 27, 2003, March 1, 2005, July 12, 2005, July 03, 2006, and August 25, 2008 are referenced as part of the authorized hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

(7) *Program Description*. The Program Description and any other materials submitted as supplements thereto are referenced as part of the authorized hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

[75 FR 36549, June 28, 2010]

EFFECTIVE DATE NOTE: At 77 FR 29234, May 17, 2012, § 272.1851 was revised, effective July 16, 2012. For the convenience of the user, the revised text is set forth as follows:

§ 272.1851 Oklahoma State-administered program: Final authorization.

(a) Pursuant to section 3006(b) of RCRA, 42 U.S.C. 6926(b), the EPA granted Oklahoma final authorization for the following elements as submitted to EPA in Oklahoma’s base program application for final authorization which was approved by EPA effective on January 10, 1985. Subsequent program revision applications were approved effective on June 18, 1990, November 27, 1990, June 3, 1991, November 19, 1991, November 29, 1993, December 21, 1994, April 27, 1995, March 14, 1997, July 14, 1998 and November 23, 1998, February 8, 1999, March 30, 2000, July 10, 2000, March 5, 2001, June 9, 2003, April 6, 2009, and May 6, 2011.

(b) The State of Oklahoma has primary responsibility for enforcing its hazardous waste management program. However, EPA retains the authority to exercise its inspection and enforcement authorities in accordance with sections 3007, 3008, 3013, 7003 of RCRA, 42 U.S.C. 6927, 6928, 6934, 6973, and any other applicable statutory and regulatory provisions, regardless of whether the State has taken its own actions, as well as in accordance with other statutory and regulatory provisions.

(c) *State Statutes and Regulations*. (1) The Oklahoma statutes and regulations cited in paragraph (c)(1)(i) of this section are incorporated by reference as part of the hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921 *et seq.* The Director of the Federal Register approves this incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. You may obtain copies of the Oklahoma regulations that are incorporated by reference in this paragraph from the State’s Office of Administrative Rules, Secretary of State, P.O. Box 53390, Oklahoma City, OK 73152–3390; Phone number: 405–521–4911; Web site: www.sos.state.ok.us/oar/oar_welcome.htm. The statutes are available from West Publishing Company, 610 Opperman Drive, P.O. Box 64526, St. Paul, Minnesota 55164–0526; Phone:

Environmental Protection Agency

§272.1851

1-800-328-4880; Web site: <http://west.thomson.com>. You may inspect a copy at EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202 (Phone number (214) 665-8533), or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: <http://www.archives.gov/federal-register/cfr/ibr-locations.html>.

(i) The binder entitled “EPA Approved Oklahoma Statutory and Regulatory Requirements Applicable to the Hazardous Waste Management Program”, dated May 2011.

(ii) [Reserved]

(2) The following provisions provide the legal basis for the State’s implementation of the hazardous waste management program, but they are not being incorporated by reference and do not replace Federal authorities:

(i) Oklahoma Environmental Crimes Act, as amended through July 1, 2009, 21 Oklahoma Statutes (O.S.), Sections 1230.1 *et seq.*

(ii) Oklahoma Open Meetings Act, as amended through July 1, 2009, 25 Oklahoma Statutes (O.S.), Sections 301 *et seq.*

(iii) Oklahoma Statutes, Title 27A, “Environment and Natural Resources”, as amended through July 1, 2009: Chapter 1, “Oklahoma Environmental Quality Act”, Sections 1-1-101 *et seq.*; Chapter 2, “Oklahoma Environmental Quality Code”, Sections 2-2-101, 2-2-104, 2-2-201, 2-3-101(F)(1), 2-3-104, 2-3-202, 2-3-501, 2-3-502, 2-3-503, 2-3-504; “Oklahoma Hazardous Waste Management Act”, Sections 2-7-102, 2-7-104, 2-7-105 (except 2-7-105(27), 2-7-105(29) and 2-7-105(34)), 2-7-106, 2-7-107, 2-7-108(B)(2), 2-7-109, 2-7-110(A), 2-7-111(C)(2)(b) and (c), 2-7-111(C)(3), 2-7-113.1, 2-7-115, 2-7-116(A), 2-7-116(G), 2-7-116(H)(1), 2-7-117, 2-7-123, 2-7-126, 2-7-129, 2-7-130, 2-7-131, 2-

7-132, and 2-7-133; “Oklahoma Uniform Environmental Permitting Act”, Sections 2-14-101 *et seq.*

(iv) Oklahoma Open Records Act, as amended through July 1, 2009, 51 Oklahoma Statutes (O.S.), Sections 24A.1 *et seq.*

(v) Oklahoma Administrative Procedures Act, as amended through July 1, 2009, 75 Oklahoma Statutes (O.S.), Sections 250 *et seq.*

(vi) The Oklahoma Administrative Code (OAC), Title 252, Chapter 205, Hazardous Waste Management, effective July 1, 2009: Subchapter 1, Sections 252:205-1-1(b), 252:205-1-3(a) and (b), 252:205-1-4(a)-(d); Subchapter 3, Sections 252:205-3-2(a) introductory paragraph, 252:205-3-2(a)(1) and 252:205-3-2(a)(3); Subchapter 11, Section 252:205-11-3.

(3) The following statutory and regulatory provisions are broader in scope than the Federal program, are not part of the authorized program, and are not incorporated by reference:

(i) Oklahoma Hazardous Waste Management Act, as amended, 27A Oklahoma Statutes (O.S.) as amended through July 1, 2009, Sections 2-7-119, 2-7-120, 2-7-121, 2-7-121.1 and 2-7-134.

(ii) The Oklahoma Administrative Code (OAC), Title 252, Chapter 205, effective July 1, 2009: Subchapter 1, Sections 252:205-1-1(c)(2) and (3), 252:205-1-2 “RRSIA”, 252:205-1-2 “Reuse”, 252:205-1-2 “Speculative accumulation”, 252:205-1-2 “Transfer facility”, 252:205-1-2 “Transfer station”, 252:205-1-4(e); Subchapter 5, Section 252:205-5-1(4), Subchapter 15; Subchapter 17; Subchapter 21; Subchapter 23; and 252:205 Appendices B, C and D.

(4) *Unauthorized State Amendments.* The State’s adoption of the Federal rules listed in the following table is not approved by the EPA and are, therefore, not enforceable:

Federal requirement	Federal Register reference	Publication date
Toxicity Characteristics; Hydrocarbon Recovery Operations	55 FR 40834	10/5/90
	56 FR 3978	2/1/91
	56 FR 13406	4/2/91
Toxicity Characteristics; Chlorofluorocarbon Refrigerants	56 FR 5910	2/13/91
Administrative Stay for K069 Listing	56 FR 19951	5/1/91
Amendments to Interim Status Standards for Downgradient Groundwater Monitoring Well Locations	56 FR 66365	12/23/91
Removal of Legally Obsolete Rules	60 FR 33912	6/29/95
Mineral Processing Secondary Materials Exclusion.—Amendments to 40 CFR	63 FR 28556	5/26/98
Methods Innovation: SW-846	70 FR 34538	6/14/05
	70 FR 44150	8/1/05

(5) *Memorandum of Agreement.* The Memorandum of Agreement between EPA Region 6 and the State of Oklahoma, signed by the EPA Regional Administrator on March 11, 2011, is referenced as part of the authorized

hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

(6) *Statement of Legal Authority.* “Attorney General’s Statement for Final Authorization”, signed by the Attorney General of Oklahoma January 20, 1984 and revisions,

supplements and addenda to that Statement dated January 14, 1988 (as amended July 20, 1989); December 22, 1988 (as amended June 7, 1989 and August 13, 1990); November 20, 1989; November 16, 1990; November 6, 1992; June 24, 1994; December 8, 1994; March 4, 1996; April 15, 1997; February 6, 1998; December 2, 1998; October 15, 1999; May 31, 2000; October 15, 2001; June 27, 2003; March 1, 2005; July 12, 2005; July 03, 2006; August 25, 2008, and March 26, 2010 are referenced as part of the authorized hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

(7) *Program Description.* The Program Description and any other materials submitted as supplements thereto are referenced as part of the authorized hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

§§ 272.1852–272.1899 [Reserved]

Subpart MM—Oregon

§§ 272.1900–272.1949 [Reserved]

Subpart NN—Pennsylvania

§§ 272.1950–272.1999 [Reserved]

Subpart OO—Rhode Island

§§ 272.2000–272.2049 [Reserved]

Subpart PP—South Carolina

§§ 272.2050–272.2099 [Reserved]

Subpart QQ—South Dakota

§ 272.2100 [Reserved]

§ 272.2101 South Dakota State-Administered Program: Final Authorization.

(a) Pursuant to section 3006(b) of RCRA, 42 U.S.C. 6926(b), South Dakota has final authorization for the following elements as submitted to EPA in South Dakota's base program application for final authorization which was approved by EPA effective on November 2, 1984. Subsequent program revision applications were approved effective on June 17, 1991, November 8, 1993, March 11, 1994, September 23, 1996, June 8, 2000, May 24, 2004 and March 8, 2006.

(b) The State of South Dakota has primary responsibility for enforcing its hazardous waste management program. However, EPA retains the authority to

exercise its inspection and enforcement authorities in accordance with sections 3007, 3008, 3013, 7003 of RCRA, 42 U.S.C. 6927, 6928, 6934, 6973, and any other applicable statutory and regulatory provisions, regardless of whether the State has taken its own actions, as well as in accordance with other statutory and regulatory provisions.

(c) *State Statutes and Regulations.* (1) The South Dakota regulations cited in paragraph (c)(1)(i) of this section are incorporated by reference as part of the hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921 *et seq.* This incorporation by reference is approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies of the South Dakota regulations that are incorporated by reference in this paragraph are available from the South Dakota Legislative Research Council, 3rd Floor, State Capitol, 500 East Capitol Avenue, Pierre, SD 57501, (Phone: 605-773-3251).

(i) The Binder entitled “EPA Approved South Dakota Regulatory Requirements Applicable to the Hazardous Waste Management Program”, dated December, 2005.

(ii) [Reserved]

(2) EPA considered the following statutes and regulations in evaluating the State program but is not incorporating them herein for enforcement purposes:

(i) South Dakota Codified Laws (SDCL), as amended, effective July 1, 2004, Title 1, State Affairs and Government: Chapter 1–26, Administrative Procedures and Rules, sections 1–26–1(1), 1–26–1(4), 1–26–1(8) introductory paragraph, 1–26–1(8)(a), 1–26–2, 1–26–6.6, 1–26–16 through 1–26–19, 1–26–19.1, 1–26–19.2, 1–26–27, 1–26–29, 1–26–30, 1–26–30.1, 1–26–30.2, 1–26–30.4, 1–26–31, 1–26–31.1, 1–26–31.2, 1–26–31.4, 1–26–35 and 1–26–36; Chapter 1–27, Public Records and Files, sections 1–27–1, first sentence, 1–27–3, 1–27–9(2) and 1–27–28(2); Chapter 1–32, Executive Reorganization, section 1–32–1(1); Chapter 1–40, Department of Natural Resources, sections 1–40–4.1, 1–40–24, 1–40–31 and 1–40–34.

(ii) SDCL, as amended, effective July 1, 2004, Title 15, Civil Procedure: Chapter 15–6, Rules of Procedure in Circuit Courts, section 15–6–24(a)–(c).

(iii) SDCL, as amended, effective July 1, 2004, Title 19, Evidence: Chapter 19-13, Privileges, sections 19-13-2(1), 19-13-2(5), 19-13-3, 19-13-20 and 19-13-22.

(iv) SDCL, as amended, effective July 1, 2004, Title 21, Judicial Remedies: Chapter 21-8, Injunction, section 21-8-1.

(v) SDCL, as amended, effective July 1, 2004, Title 22, Crimes: Chapter 22-6, Authorized Punishments, sections 22-6-1 introductory paragraph and 22-6-1(6).

(vi) SDCL, as amended, effective July 1, 2004, Title 23, Law Enforcement: Chapter 23-5, Criminal Identification, sections 23-5-1, 23-5-10(1), 23-5-10(3), 23-5-10(4) and 23-5-11 first sentence; Chapter 23-6, Criminal Statistics, section 23-6-4.

(vii) SDCL, as amended, effective July 1, 2004, Title 34, Public Health and Safety: Chapter 34-21, Radiation and Uranium Resources Exposure Control, section 34-21-2(7).

(viii) SDCL, as amended, effective July 1, 2004, Title 34A, Environmental Protection: Chapter 34A-6, Solid Waste Disposal, section 34A-6-1.3(17); Chapter 34A-10, Remedies for Protection of Environment, sections 34A-10-1, 34A-10-2, 34A-10-5, 34A-10-11, 34A-10-14 and 34A-10-16, Chapter 34A-11, Hazardous Waste Management, sections 34A-11-1 through 34A-11-4, 34A-11-5, 34A-11-8 through 34A-11-12, 34A-11-13 through 34A-11-16, 34A-11-17 through 34A-11-19, 34A-11-21 and 34A-11-22.

(ix) SDCL, as amended, effective July 1, 2004, Title 37, Trade Regulation, Chapter 37-29, Uniform Trade Secrets Act, section 37-29-1(4).

(x) Administrative Rules of South Dakota (ARSD), Article 74:08, Administrative Fees, effective August 29, 2004: Chapter 74:08:01, Fees for Records Reproduction, sections 74:08:01:01 through 74:08:01:07.

(3) The following statutory provisions are broader in scope than the Federal program, are not part of the authorized program, are not incorporated by reference and are not federally enforceable:

(i) SDCL, as amended, effective July 1, 2004, Title 34A, Environmental Protection, Chapter 34A-11, Hazardous Waste Management, sections 34A-11-12.1, 34A-11-16.1, 34A-11-25 and 34A-11-26.

(ii) [Reserved]

(4) *Unauthorized State Amendments.* South Dakota has adopted but is not authorized for the following Federal final rules: (1) Removal of Legally Obsolete Rules (HSWA/non-HSWA) [60 FR 33912, 06/29/95]; (2) Imports and Exports of Hazardous Waste: Implementation of OECD Council Division (HSWA—Not delegable to States) [61 FR 16290, 04/12/96]; (3) Clarification of Standards for Hazard Waste Land Disposal Restriction Treatment Variances (HSWA) [62 FR 64504, 12/05/97]; and (4) Vacatur of Organobromide Production Waste Listings (HSWA) [65 FR 14472, 03/17/00]. Those Federal rules written under RCRA provisions that predate HSWA (non-HSWA) which the State has adopted, but for which it is not authorized, are not Federally enforceable. In contrast, EPA will continue to enforce the Federal HSWA standards for which South Dakota is not authorized until the State receives specific authorization from EPA.

(5) *Memorandum of Agreement.* The Memorandum of Agreement between EPA Region 8 and the State of South Dakota, signed by the State of South Dakota Department of Natural Resources on June 6, 1996, and by the EPA Regional Administrator on June 25, 1996, although not incorporated by reference, is referenced as part of the authorized hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

(6) *Statement of Legal Authority.* “Attorney General’s Statement for Final Authorization”, signed by the Attorney General of South Dakota on May 24, 1984, and revisions, supplements and addenda to that Statement dated January 14, 1991, September 11, 1992, September 25, 1992, April 1, 1993, September 24, 1993, August 23, 1994, December 29, 1994, September 5, 1995, October 23, 1997, October 27, 1997, October 28, 1997, November 5, 1999, June 26, 2000, June 18, 2002 and October 19, 2004, although not incorporated by reference, are referenced as part of the authorized hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

(7) *Program Description.* The Program Description and any other materials submitted as supplements thereto, although not incorporated by reference,

§§ 272.2102–272.2149

are referenced as part of the authorized hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

[71 FR 11534, Mar. 8, 2006]

§§ 272.2102–272.2149 [Reserved]

Subpart RR—Tennessee

§§ 272.2150–272.2199 [Reserved]

Subpart SS—Texas

§ 272.2200 [Reserved]

§ 272.2201 Texas State-Administered program: Final authorization.

(a) Pursuant to section 3006(b) of RCRA, 42 U.S.C. 6926(b), the EPA granted Texas final authorization for the following elements as submitted to EPA in Texas' Base program application for final authorization which was approved by EPA effective on December 26, 1984. Subsequent program revision applications were approved effective on October 4, 1985, February 17, 1987, March 15, 1990, July 23, 1990, October 21, 1991, December 4, 1992, June 27, 1994, November 26, 1997, December 3, 1997, October 18, 1999, November 15, 1999, September 11, 2000, June 14, 2005, December 29, 2008, July 13, 2009, and May 6, 2011.

(b) The State of Texas has primary responsibility for enforcing its hazardous waste management program. However, EPA retains the authority to exercise its inspection and enforcement authorities in accordance with sections 3007, 3008, 3013, 7003 of RCRA, 42 U.S.C. 6927, 6928, 6934, 6973, and any other applicable statutory and regulatory provisions, regardless of whether the State has taken its own actions, as well as in accordance with other statutory and regulatory provisions.

(c) *State Statutes and Regulations.*

(1) The Texas statutes and regulations cited in paragraph (c)(1)(i) of this section are incorporated by reference as part of the hazardous waste management program under Subtitle C of RCRA, 42 U.S.C. 6921 *et seq.* This incorporation by reference is approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies of the Texas regulations that are incorporated by ref-

40 CFR Ch. I (7–1–12 Edition)

erence in this paragraph are available from West Group, 610 Opperman Drive, Eagan, 55123, Attention: Order Entry; Phone: 1-800-328-9352; Web site: <http://west.thomson.com>. You may inspect a copy at EPA Region 6 Library, 12th Floor, 1445 Ross Avenue, Dallas, Texas 75202-2733, Phone number: (214) 665-6444, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: <http://www.archives.gov/federal-register/cfr/ibr-locations.html>.

(i) The Binder entitled “EPA Approved Texas Statutory and Regulatory Requirements Applicable to the Hazardous Waste Management Program,” dated July 2009.

(ii) [Reserved]

(2) The following provisions provide the legal basis for the State's implementation of the hazardous waste management program, but they are not being incorporated by reference and do not replace Federal authorities:

(i) Texas Health and Safety Code (THSC) Annotated, (Vernon, 2001); Chapter 361, The Texas Solid Waste Disposal Act, sections 361.002, 361.016, 361.017, 361.018, 361.023, 361.024, 361.029, 361.032, 361.033, 361.035, 361.036, 361.037(a), 361.061, 361.063, 361.0635, 361.064, 361.0641, 361.066(b) and (c), 361.067, 361.068, 361.069, 361.079, 361.080(a) and (b), 361.081, 361.083, 361.833, 361.0861(c), 361.0885, 361.090, 361.095(b)–(f), 361.096, 361.097, 361.098, 361.099(a), 361.100, 361.101, 361.102 through 361.109, 361.113, 361.116, 361.272 through 361.275, 361.278, 361.301, 361.321(a) and (b), 361.321(c) (except the phrase “Except as provided by Section 361.322(a)”), 361.321(d), 361.321(e) (except the phrase “Except as provided by Section 361.322(e)”), 361.451, 361.501 through 361.506, and 361.509(a) introductory paragraph, (a)(11), (b), (c) introductory paragraph, and (c)(2); Chapter 371, Texas Oil Collection, Management, and Recycling Act, sections 371.0025(b) and (c), 371.024(a), 371.024(c) and (d), 371.026(a) and (b), 371.028, and 371.043(b).

(ii) Texas Health and Safety Code (THSC) Annotated, (Vernon, 2007 Supplement), effective September 1, 2007: Chapter 361, The Texas Solid Waste Disposal Act, sections 361.0215(b)(2) and (b)(3), 361.0666, 361.078, 361.0791, 361.082

(except 361.082(a) and (f)), 361.084, 361.085, 361.0871(b), 361.088, 361.089, 361.114, and 361.271.

(iii) Texas Water Code (TWC), Texas Codes Annotated (Vernon, 2000), effective September 1, 1999, as amended: Chapter 5, sections 5.102 through 5.105, 5.112, and 5.351; Chapter 7, sections 7.032, 7.051(a), 7.052(c) and (d), 7.053 through 7.062, 7.064 through 7.069, 7.075, 7.101, 7.104, 7.105, 7.107, 7.110, 7.162, 7.163, 7.189, 7.190, 7.252(1), 7.351, 7.353; Chapter 26, section 26.011; and Chapter 27, sections 27.018 and 27.019.

(iv) Texas Water Code (TWC), Texas Codes Annotated (Vernon, 2002), effective September 1, 2001, as amended: Chapter 5, section 5.177; Chapter 7, sections 7.067 and 7.102.

(v) Texas Water Code (TWC), Texas Codes Annotated (Vernon, 2007), effective September 1, 2007, as amended: Chapter 5, sections 5.501 through 5.505, 5.509 through 5.512, 5.515, 5.551 through 5.557; Chapter 7, sections 7.031, 7.052(a), 7.052(c) and (d), 7.102, 7.176, and 7.187; Chapter 26, sections 26.001(13), 26.039, 26.341 through 26.367; and Chapter 27, section 27.003.

(vi) Texas Government Code (Vernon, 1998), section 311.027, effective May 11, 1993.

(vii) Texas Administrative Code (TAC), Title 30, Environmental Quality, 1994, as amended, effective through January 1, 1994: Chapter 305, sections 305.91 through 305.93, 305.98, and 305.99.

(viii) Texas Administrative Code (TAC), Title 30, Environmental Quality, 1997, as amended, effective through January 1, 1997: Chapter 281, sections 281.17(f); Chapter 305, sections 305.29(b) through (d), 305.94 and 305.95, 305.97, 305.100, 305.101 (except 305.101(c)), 305.102, 305.103, and 305.105.

(ix) Texas Administrative Code (TAC), Title 30, Environmental Quality, 2008, as amended, effective through December 31, 2007: Chapter 39, sections 39.13 (except (10)), 39.105, 39.107, 39.109, 39.413 (except (10)); Chapter 50, sections 50.13, 50.19, 50.39, 50.113 (except (d)), 50.119, and 50.139; Chapter 55, sections 55.27 (except (b)), 55.201 (except as applicable to contested case hearings), and 55.211 (except as applicable to contested case hearings); Chapter 70, section 70.10; Chapter 281, sections 281.1 (except the clause “except as provided

by * * * Prioritization Process”), 281.2 introductory paragraph, 281.2(4), 281.3(a) and (b), 281.5 (except the clause “Except as provided by * * * Discharge Permits”), the phrase “radioactive material”, and the phrase “subsurface area drip dispersal systems”), 281.17(d) (except the references to radioactive material licenses), 281.17(e), 281.18(a) (except for the sentence “For applications for radioactive * * * within 30 days.”), 281.19(a) (except the last sentence), 281.19(b) (except the phrase “Except as provided in subsection (c) of this section.”), 281.20, 281.21(a) (except the phrase “and the Texas Radiation Control Act * * * Chapter 401.”), the acronym “TRCA”, and the phrase “subsurface area drip dispersal systems”), 281.21(b), 281.21(c) (except the phrase “radioactive materials,” in 281.21(c)(2)), 281.21(d), 281.22(a) (except the phrase “For applications for radioactive * * * to deny the license.”), 281.22(b) (except the phrase “or an injection well,” in the first sentence and the phrase “For underground injection wells * * * the same facility or activity.”), 281.23(a), and 281.24; Chapter 305, sections 305.64(d) and (f), 305.66(c), 305.66(e) (except for the last sentence), 305.66(f) through (l), 305.123 (except the phrases “and 401 * * * regulation)” and “and 32”), 305.125(1) and (3), 305.125(20), 305.127(1)(B)(i), 305.127(4)(A) and (C), 305.127(6), 305.401(a), 305.401(b) (except the text “§ 39.3 of this title (relating to Purpose) * * * § 55.21 of this title (relating to Requests for Contested Case Hearings, Public Comment”), 305.401(d) through (h); and Chapter 335, sections 335.2(b), 335.43(b), 335.206, 335.391 through 335.393.

(3) The following statutory and regulatory provisions are broader in scope than the Federal program, are not part of the authorized program, and are not incorporated by reference:

(i) Texas Health and Safety Code (THSC) Annotated, (Vernon 2001): Chapter 361, The Texas Solid Waste Disposal Act, sections 361.131 through 140; Chapter 371, Texas Oil Collection, Management, and Recycling Act, sections 371.021, 371.022, 371.024(e), 371.0245, 371.0246, 371.025, and 371.026(c).

(ii) Texas Administrative Code (TAC), Title 30, Environmental Quality, 2008, as amended, effective through

December 31, 2007: Chapter 305, sections 305.53 and 305.64(b)(4); Chapter 335, sections 335.321 through 335.332, Appendices I and II, and 335.401 through 412.

(4) *Unauthorized State Amendments and Provisions.* (i) The following authorized provisions of the Texas regulations include amendments published in the Texas Register that are not approved by EPA. Such unauthorized amendments are not part of the State's authorized program and are, therefore, not Federally enforceable. Thus, notwithstanding the language in the Texas hazardous waste regulations incorporated by reference at paragraph

(c)(1)(i) of this section, EPA will enforce the State provisions that are actually authorized by EPA. The effective dates of the State's authorized provisions are listed in the Table below. The actual State regulatory text authorized by EPA (*i.e.*, without the unauthorized amendments) is available as a separate document, *Addendum to the EPA-Approved Texas Regulatory and Statutory Requirements Applicable to the Hazardous Waste Management Program, July, 2009*. Copies of the document can be obtained from U.S. EPA Region 6, 1445 Ross Avenue, Suite 1200, Dallas, TX 75202.

State provision (December 31, 2007, except as indicated)	Effective date of authorized provision	Unauthorized State amendments	
		Texas Register reference	Effective date
335.2(c)	11/7/91	18 TexReg 2799	5/12/93
		18 TexReg 8218	11/23/93
335.6(a)	7/29/92	18 TexReg 2799	5/12/93
		22 TexReg 12060	12/15/97
		23 TexReg 10878	10/19/98
335.6(c) introductory paragraph	7/29/92	17 TexReg 8010	11/27/92
		20 TexReg 2709	4/24/95
		20 TexReg 3722	5/30/95
		21 TexReg 1425	3/1/96
		21 TexReg 2400	3/6/96
		22 TexReg 12060	12/15/97
		23 TexReg 10878	10/19/98
		26 TexReg 9135	11/15/01
335.6(g)	7/29/92	18 TexReg 3814	6/28/93
		22 TexReg 12060	12/15/97
		23 TexReg 10878	10/19/98
335.10(b)(22) (December 31, 2001)	7/27/88	17 TexReg 8010	11/27/92
335.24(b) introductory paragraph	3/1/96	21 TexReg 10983	11/20/96
		23 TexReg 10878	10/19/98
335.24(c) introductory paragraph	3/1/96	21 TexReg 10983	11/20/96
		23 TexReg 10878	10/19/98
335.41(c)	9/1/86	18 TexReg 8218	11/23/93
335.45(b)	9/1/86	17 TexReg 5017	7/29/92
335.204(a)(1)	5/28/86	16 TexReg 6065	11/7/91
335.204(b)(1)	5/28/86	16 TexReg 6065	11/7/91
335.204(b)(6)	5/28/86	16 TexReg 6065	11/7/91
335.204(c)(1)	5/28/86	16 TexReg 6065	11/7/91
335.204(d)(1)	5/28/86	16 TexReg 6065	11/7/91
335.204(e)(6)	5/28/86	16 TexReg 6065	11/7/91

(ii) Additionally Texas has partially or fully adopted, but is not authorized to implement, the Federal rules that are listed in the following table. The EPA will continue to implement the Federal HSWA requirements for which Texas is not authorized until the State receives specific authorization for

those requirements. The EPA will not enforce the non-HSWA Federal rules although they may be enforceable under State law. For those Federal rules that contain both HSWA and non-HSWA requirements, the EPA will enforce only the HSWA portions of the rules.

Federal requirement	FEDERAL REGISTER reference	Publication date
Imports and Exports of Hazardous Waste: Implementation of OECD Council Decision (HSWA) (Checklist 152)	61 FR 16290	April 12, 1996.
Clarification of Standards for Hazardous Waste LDR Treatment Variances (SWA) (Checklist 162).	62 FR 64504	December 5, 1997.

Environmental Protection Agency

§ 272.2201

Federal requirement	FEDERAL REGISTER reference	Publication date
Post-Closure Permit Requirement and Closure Process (HSWA and Non-HSWA) (Checklist 174)	63 FR 56710	October 22, 1998.
Organobromine Production Wastes; Petroleum Refining Wastes; Identification and Listing of Hazardous Waste; Land Disposal Restrictions (HSWA) (Checklist 187).	64 FR 36365	June 8, 2000.
Zinc Fertilizers Made from Recycled Hazardous Secondary Materials (HSWA and Non-HSWA) (Checklist 200).	67 FR 48393	July 24, 2002.
Modification of the Hazardous Waste Manifest System (HSWA and Non-HSWA) (Checklist 207).	70 FR 10776	March 4, 2005.
Methods Innovation Rule and SW-846 Update IIIB (HSWA and Non-HSWA) (Checklist 208).	70 FR 35034	June 16, 2005.
	70 FR 34538	June 14, 2005.
	70 FR 44150	August 1, 2005.
Hazardous Waste Management System; Modification of the Hazardous Waste Program; Mercury Containing Equipment (Non-HSWA) (Checklist 209).	70 FR 45508	August 5, 2005.

(iii) Texas has chosen not to adopt, and is not authorized to implement, the following optional Federal rules:

Federal requirement	FEDERAL REGISTER reference	Publication date
NESHAPS Second Technical Correction, Vacatur (Non-HSWA) (Checklist Rule 188.1).	66 FR 24270	May 14, 2001.
Storage, Treatment, Transportation and Disposal of Mixed Waste (Non-HSWA) (Checklist 191).	66 FR 27218	May 16, 2001.
Inorganic Chemical Manufacturing Waste Identification and Listing (HSWA/Non-HSWA) (Checklist Rule 195.1).	67 FR 17119	April 9, 2002.
Hazardous Air Pollutant Standards for Combustors: Interim Standards (HSWA/Non-HSWA) (Checklist 197).	67 FR 6792	February 13, 2002.
Land Disposal Restrictions: National Treatment Variance to Designate New Treatment Subcategories for Radioactively Contaminated Cadmium, Mercury-Containing Batteries and Silver-Containing Batteries (HSWA) (Checklist 201).	67 FR 62618	October 7, 2002.
Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Recycled Used Oil Management Standards (Non-HSWA) (Checklist 203).	68 FR 44659	July 30, 2003.
National Environmental Performance Track Program (Non-HSWA) (Checklist 204).	69 FR 21737	April 22, 2004.
	69 FR 62217	October 25, 2004.
NESHAP: Surface Coating of Automobiles and Light-Duty Trucks (Non-HSWA) (Checklist 205).	69 FR 22601	April 26, 2004.

(5) *Memorandum of Agreement*. The Memorandum of Agreement between EPA Region VI and the State of Texas, signed by the Executive Director of the Texas Natural Resource Conservation Commission (TNRCC) on March 10, 2009, and by the EPA Regional Administrator on April 22, 2009, is referenced as part of the authorized hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

(6) *Statement of Legal Authority*. “Attorney General’s Statement for Final Authorization”, signed by the Attorney General of Texas on May 22, 1984 and revisions, supplements, and addenda to that Statement dated November 21, 1986, July 21, 1988, December 4, 1989, April 11, 1990, July 31, 1991, February 25, 1992, November 30, 1992, March 8, 1993, January 7, 1994, August 9, 1996, Oc-

tober 16, 1996, as amended February 7, 1997, March 11, 1997, January 5, 1999, November 2, 1999, March 1, 2002, and July 16, 2008 are referenced as part of the authorized hazardous waste management program under Subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

(7) *Program Description*. The Program Description and any other materials submitted as part of the original application or as supplements thereto are referenced as part of the authorized hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

[76 FR 12287, Mar. 7, 2011]

§§ 272.2202–272.2249 [Reserved]

Subpart TT—Utah

§ 272.2251 Utah State-Administered program: Final authorization.

(a) Pursuant to section 3006(b) of RCRA, 42 U.S.C. 6926(b), Utah has Final authorization for the following elements as submitted to EPA in Utah's base program application for Final authorization which was approved by EPA effective on October 24, 1984. Subsequent program revision applications were approved effective on March 7, 1989; July 22, 1991; July 14, 1992; April 13, 1993; December 13, 1994; July 21, 1997; and March 15, 1999.

(b) *State statutes and regulations.* (1) The Utah regulations cited in this paragraph are incorporated by reference as part of the hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921 *et seq.* This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR Part 51. Copies of the Utah regulations that are incorporated by reference in this paragraph are available from the Utah Department of Environmental Quality, 288 North 1460 West, Salt Lake City, Utah 84114-4880, Phone (801) 538-6776.

(i) The EPA Approved Utah Regulatory Requirements Applicable to the Hazardous Waste Management Program, dated March 1999.

(ii) [Reserved]

(2) The following statutes and regulations concerning State procedures and enforcement, although not incorporated by reference, are part of the authorized State program:

(i) Utah Code Annotated, Volume 3A, 1998 Replacement and 1999 Supplement, Title 19: Sections 19-1-306(2), 19-1-306(3), 19-6-102 introductory paragraph, 19-6-102(1) & (2), 19-6-102(6)-(9), 19-6-102(11), 19-6-102(13)-(21), 19-6-102.1, 19-6-103, 19-6-104(1) except (1)(j), 19-6-105(1) introductory paragraph, 19-6-105(1)(a)-(f), 19-6-105(1)(i) & (j), 19-6-105(2), 19-6-106, 19-6-107, 19-6-109, 19-6-111, 19-6-112, 19-6-113(1) through (4), 19-6-113(6), 19-6-114, 19-6-115, and 19-6-116.

(ii) Utah Code Annotated, Volume 6D, 1997 Replacement and 1999 Supplement, Title 63: Sections 63-2-103

through 63-2-105, 63-2-201 through 63-2-203 (except 63-2-203(10)), 63-2-204, 63-2-205, 63-2-301 through 63-2-308, 63-2-401 through 63-2-405, and 63-2-802.

(iii) Utah Code Annotated, Volume 3, 1953 as amended 1987, Title 26, Chapter 14: Section 26-14-8.

(iv) Utah Administrative Code revised as of January 3, 1989: R450-3.1.1(b) & (c) and R450-3-2.4(b).

(v) Utah Administrative Code revised as of February 15, 1996: Sections R315-2-14, R315-3-3(i)(1)&(3), R315-3-11(a), (b) & (f), R315-3-16(b), R315-3-23(b)(1) & (2), R315-3-23(c) & (d), R315-3-24(a) through R315-3-29, and R315-3-34.

(vi) Utah Administrative Code revised as of May 15, 1996: Section R315-15-1.1(j) & (k).

(3) The following statutory and regulatory provisions are broader-in-scope than the Federal program, are not part of the authorized program, and are not incorporated by reference:

(i) Utah Code Annotated, Volume 3A, 1998 Replacement and 1999 Supplement, Title 19: Sections 19-6-105(3), 19-6-113(5), 19-6-118, 19-6-120, and 19-6-121.

(ii) Utah Administrative Code revised as of February 15, 1996. EPA considers Utah's listing of all P999 and some F999 wastes (specifically: nerve, military, and chemical agents) as more stringent than the Federal rule. To the extent that unused chemical agents, as produced, exhibit a hazardous waste reactivity characteristic, they are considered hazardous waste and, thus, are regulated under Federal rule. Utah's listing of these wastes enhances the degree of regulatory control regarding these wastes. EPA also considers Utah's rule as broader-in-scope than the federal rule for those F999 process wastes which do not exhibit a characteristic for hazardous waste and would not be regulated under Federal rule. R315-2-10(e)(1), 315-2-11(e) introductory paragraph and R315-2-11(e)(1) are broader-in-scope regarding these wastes.

(iii) Utah Administrative Code, as of May 15, 1996: R315-15-7.1(d), R315-15-10, R315-15-11 with respect to used oil transfer and off-specification used oil burning facilities, and R315-15-12 through R315-15-15 except R315-15-13.5(d).

Environmental Protection Agency

§ 272.2251

(4) *Unauthorized State provisions:* (i) Although the Federal rules listed in the following table have been adopted by the State and have been included in the materials incorporated by ref-

erence in paragraph (b)(1) of this Section, EPA has not authorized the State for these rules at this time. While they may be enforceable under State law, they are not enforceable under RCRA:

Federal requirement	FEDERAL REGISTER reference	Publication date
Standards for Generators of Hazardous Waste; Manifest Renewal (Revision Checklist 58).	53 FR 45089	11/8/88
Removal of Legally Obsolete Rules (Non-HSWA provisions) (Revision Checklist 144).	60 FR 33912	6/29/95
Testing and Monitoring Activities Amendment III (Revision Checklist 158)	62 FR 32452	6/13/97

(ii) Additionally Utah has adopted but is not authorized to implement the HSWA rules that are listed below in lieu of EPA. EPA will continue to im-

plement the Federal HSWA requirements for which Utah is not authorized until the State receives specific authorization for those requirements.

Federal requirement	FEDERAL REGISTER reference	Publication date
Removal of Legally Obsolete Rules (HSWA provisions) (Revision Checklist 144)	60 FR 33912	6/29/95
Land Disposal Restrictions Phase III—Decharacterized Wastewaters, Carbamate Wastes, and Spent Potliners (Revision Checklist 151).	61 FR 15566; 61 FR 15660; 61 FR 19117; 61 FR 33680; 61 FR 36419; 61 FR 43924; 62 FR 7502	4/8/96; 4/8/96; 4/30/96; 6/28/96; 7/10/96; 8/26/96; 2/19/97
Organic Air Emission Standards for Tanks, Surface Impoundments, and Containers—formerly Revision Checklist 138 (Rule 154.1).	59 FR 62896	12/6/94
Land Disposal Restrictions Phase III—Emergency Extension of the K088 Capacity Variance (Revision Checklist 155).	62 FR 1992	1/14/97
Land Disposal Restrictions—Phase IV (Revision Checklist 157)	62 FR 25998	5/12/97
Carbamate Production, Identification and Listing of Hazardous Waste; Land Disposal Restrictions (Conformance With the Carbamate Vacatur) (Revision Checklist 159).	62 FR 32974	6/17/97

(5) *Unauthorized State amendments.* The following authorized provisions of the Utah regulations include amendments published in the *Utah State Bulletin* that are not approved by EPA. Such unauthorized amendments are not part of the State's authorized program and are, therefore, not Federally enforceable. Thus, notwithstanding the language in the Utah hazardous waste regulations incorporated by reference at § 272.2251(b)(1), EPA will only enforce the authorized State provisions with

the effective dates indicated in the table below. The actual State regulatory text authorized by EPA for the listed provisions is available as a separate document, Addendum to the EPA-Approved Utah Regulatory Requirements Applicable to the Hazardous Waste Management Program, March 1999. Copies of the document can be obtained from U.S. EPA Region VIII, 999 18th St., Suite 500, Denver, Colorado 80202-2466, phone (303) 312-6139.

State provision	State reference	Unauthorized State amendments	
		State reference	Effective date
R315-2-1(b)(2)(ii)	9/24/86	DAR 12647	5/29/92
R315-7-11.3(b)	1/3/89	DAR 12652	5/29/92
R315-7-12.6(g)	Base	DAR 09632	1/3/89

§§ 272.2252–272.2299

At R315–3–23(f)(3)(iv), Utah’s analog to 40 CFR 270.33(b)(3)(iv), the State has a printing error in its regulations. The State will fix this error in its next rule making. For the codification, the authorized version of the provision will also be included in the Addendum to the EPA-Approved Utah Regulatory Requirements Applicable to the Hazardous Waste Management Program, March 1999.

(6) *Memorandum of Agreement.* The Memorandum of Agreement between EPA Region VIII and the Utah Department of Environmental Quality, signed by the EPA Regional Administrator on October 4, 1994, is referenced as part of the authorized hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

(7) *Statement of legal authority.* “Attorney General’s Statement for Final Authorization”, signed by the Attorney General of Utah on January 16, 1984, and revisions, supplements and addenda to that Statement dated October 29, 1986, March 6, 1991, September 17, 1991, September 22, 1992, November 19, 1993, March 16, 1994, March 20, 1995, November 13, 1997, and March 2, 1999, are referenced as part of the authorized hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

(8) *Program description.* The Program description and any other materials submitted as part of the original application or as supplements thereto are referenced as part of the authorized hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

[66 FR 58971, Nov. 26, 2002]

40 CFR Ch. I (7–1–12 Edition)

§§ 272.2252–272.2299 [Reserved]

Subpart UU—Vermont

§§ 272.2300–272.2349 [Reserved]

Subpart VV—Virginia

§§ 272.2350–272.2399 [Reserved]

Subpart WW—Washington

§§ 272.2400–272.2449 [Reserved]

Subpart XX—West Virginia

§§ 272.2450–272.2499 [Reserved]

Subpart YY—Wisconsin

§ 272.2500 [Reserved]

§ 272.2501 Wisconsin State-administered program: Final authorization.

(a) Pursuant to section 3006(b) of RCRA, 42 U.S.C. 6926(b), Wisconsin has final authorization for the following elements as submitted to EPA in Wisconsin’s base program application for final authorization which was approved by EPA effective on January 31, 1986. Subsequent program revision applications were approved effective on June 6, 1989, January 22, 1990, April 24, 1992, August 2, 1993, October 4, 1994, October 4, 1999, June 26, 2002, April 15, 2009, and April 17, 2009.

(b) The State of Wisconsin has primary responsibility for enforcing its hazardous waste management program. However, EPA retains the authority to exercise its inspection and enforcement authorities in accordance with sections 3007, 3008, 3013, and 7003 of RCRA, 42 U.S.C. 6927, 6928, 6934, and 6973, and any other applicable statutory and regulatory provisions, regardless of whether the State has taken its own actions, as well as in accordance with other statutory and regulatory provisions.

(c) State Statutes and Regulations.

(1) The Wisconsin regulations referenced in paragraph (c)(1)(i) of this section are incorporated by reference as part of the hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921 *et seq.* (See § 272.2). The director of the Federal Register

Environmental Protection Agency

§ 272.2501

approves this incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. You may obtain copies of the Wisconsin regulations (Wisconsin Administrative Code) that are incorporated by reference in this paragraph from: Reference Bureau, One East Main Street, Suite 200, Madison, Wisconsin 53701-2037. You may inspect a copy at EPA Region 5, from 8 a.m. to 4 p.m., 77 West Jackson Boulevard, Chicago, Illinois, 60604, or at the National Archives and Records Administration (NARA). For more information on the availability of this material at NARA, call 202-741-6030, or go to: <http://www.archives.gov/federal-register/cfr/ibrlocations.html>.

(i) The Binder entitled “EPA-Approved Wisconsin Department of Natural Resources Regulatory and Statutory Requirements Applicable to the Hazardous Waste Program,” May 2009. Only those provisions that have been authorized by EPA are incorporated by reference. These regulatory provisions are listed in Appendix A to Part 272.

(ii) [Reserved]

(2) The following provisions provide the legal basis for the State’s implementation of the hazardous waste management program, but they are not being incorporated by reference and do not replace Federal authorities: Wisconsin Statutes, Sections 13.93(2m)(b)7, 19.21, 19.31, 19.32(2) and (5), 19.35(3) and (4), 19.36, 19.37(1) and (2), 23.32(1), 101.055, 141.05(47), 227.14, 227.51, 283.01(7) and (12), 283.11, 283.21(2), 283.31, 283.33, 287.07(1m)(a) and (am), 287.15, 287.18, 287.189, 289.22(1m) and (2), 289.25–289.28, 289.30(3), 289.33(6), 289.34, 289.41(1)(a),(b), (c) and (m), (3)(a)(5), (4) and (5)(d), (6) and (7), 289.61–289.68, 289.91–289.97, 291.01(7), (17), and (21), 291.05 (1)–(7), 291.11, 291.15, 291.21, 291.23, 291.25, 291.25(4), 291.37, 291.85–291.97, 291.97(1), 292, 292.11, 295.01(2)(c), 299.45(1)(a), 803.09 and 985.05. Copies of the Wisconsin

Statutes are available from: Legislative Reference Bureau, One East Main Street, Suite 200, Madison, Wisconsin 53701-2037.

(3) The following statutory and regulatory provisions are broader in scope than the Federal program, are not part of the authorized program, and are not incorporated by reference:

(i) The Wisconsin Administrative Code, 2006/2007 Edition, Sections NR 665.0071(1)(b)6, 666.900–666.905, 666.909, 666.910, 670.007, and 670.427, chapter NR 670 Appendix II: Hazardous Waste Fee Table, and section NR 673.08.

(ii) [Reserved]

(4) Memorandum of Agreement. The Memorandum of Agreement between EPA Region 5 and the State of Wisconsin (WDNR), signed by the EPA Regional Administrator on October 23, 2008, is referenced as part of the authorized hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

(5) Statement of Legal Authority. “Attorney General’s Statement for Final Authorization,” signed by the Attorney General of Wisconsin on July 23, 1985, and revisions, supplements and addenda to that Statement dated December 27, 1985, June 30, 1987, July 22, 1987, March 29, 1988, December 10, 1991, February 25, 1994, April 27, 1999, September 18, 2000, and October 31, 2007 are referenced as part of the authorized hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

(6) Program Description. The Program Description and any other materials submitted as supplements thereto are referenced as part of the authorized hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

[76 FR 26619, May 9, 2011]

§§ 272.2502–272.2549

40 CFR Ch. I (7–1–12 Edition)

§§ 272.2502–272.2549 [Reserved]

Subpart ZZ—Wyoming

§§ 272.2550–272.2599 [Reserved]

Subpart AAA—Guam

§§ 272.2600–272.2649 [Reserved]

Subpart BBB—Puerto Rico

§§ 272.2650–272.2699 [Reserved]

Subpart CCC—Virgin Islands

§§ 272.2700–272.2749 [Reserved]

Subpart DDD—American Samoa

§§ 272.2750–272.2799 [Reserved]

**Subpart EEE—Commonwealth of
the Northern Mariana Islands**

§§ 272.2800–272.2849 [Reserved]

**APPENDIX A TO PART 272—STATE
REQUIREMENTS**

The following is an informational listing of the State and local requirements incorporated in part 272 of the Code of Federal Regulations:

ARIZONA

The statutory provisions include:

Arizona Laws Relating to Environmental Quality, 1993 edition, reprinted from *Arizona Revised Statutes*, Title 49, Sections 49–921 and 49–922. Copies of the Arizona statutes can be obtained from the State Bar of Arizona, 111 West Munroe, Suite 1800, Phoenix, Arizona 85003–1742.

The regulatory provisions include:

Arizona Administrative Code, Title 18, Chapter 8, December 31, 1994, Sections R18–8–260.A through R18–8–260.C, R18–8–260.E through R18–8–260.H; R18–8–261.A through R18–8–261.I; R18–8–261.K; R18–8–262; R18–8–263; R18–8–264; R18–8–265; R18–8–266; R18–8–268; R18–8–270.A through R18–8–270.F; R18–8–270.H through R18–8–270.Q; and R18–8–271.A through R18–8–271.E. Copies of the Arizona regulations can be obtained from the Arizona Secretary of State, Publications, Notary, Charitable Solicitation & Telemarketing Division, 1700 West Washington, 7th Floor, Phoenix, Arizona 85007–2808.

ARKANSAS

The statutory provisions include:

Arkansas Hazardous Waste Management Act of 1979, as amended, Arkansas Code of 1987 Annotated (A.C.A.), 2000 Replacement, Title 8, Environmental Law, Chapter 7, Subchapter 2: Sections 8–7–202, 8–7–203, 8–7–215, 8–7–216, 8–7–219, 8–7–221, 8–7–223 and 8–7–225(a).

Arkansas Code of 1987 Annotated (A.C.A.), 2000 Supplement, Title 8, Environmental Law, Chapter 10, Subchapter 3: Section 8–10–301(d).

Copies of the Arkansas statutes that are incorporated by reference are available from Michie Publishing, 1275 Broadway, Albany, New York 12204, Phone: (800) 223–1940.

The regulatory provisions include:

Arkansas Pollution Control and Ecology (APC&E) Commission Regulation No. 23, Hazardous Waste Management, as amended December 9, 2005, effective March 23, 2006. Please note that the 2006 APC&E Commission Regulation No. 23, is the most recent version of the Arkansas authorized hazardous waste regulations. For a few provisions, the authorized version is found in the APC&E Commission Regulation 23, dated January 21, 1996. Arkansas made subsequent changes to these provisions but these changes have not been authorized by EPA. The provisions from the January 21, 1996 regulations are noted below.

Chapter Two, Sections 3(b) introductory paragraph, 3(b)(2), 3(b)(4); Section 260—Hazardous Waste Management System—General—260.1, 260.3, 260.10 (except the definitions of “consolidation” and “mercury-containing device,” and the phrase “a written permit issued by the Arkansas Highway and Transportation Department authorizing a person to transport hazardous waste (Hazardous Waste Transportation Permit), or” in the definition for “permit”), 260.11 (except 260.11(d)(2), (e)(2), (f)(2) and (g)(2)), 260.20(a), and (b), 260.21, 260.23, 260.30 through 260.33, 260.40, 260.41 and Appendix I.

Section 261—Identification and Listing of Hazardous Waste—261.1, 261.2, 261.3 (except 261.3(a)(2)(iii) and (e)), 261.4, 261.5, 261.6 (except (a)(5)), 261.7 through 261.11, 261.20 through 261.24, 261.30 through 261.33, 261.35, 261.38, Appendices I, VII and VIII.

Section 262 Standards Applicable to Generators of Hazardous Waste—262.10 (except 262.10(d)), 262.11, 262.12, 262.13 (except 262.13(c)), 262.20 (except 262.20(e)), 262.21, 262.22, 262.23, 262.24 (except 262.24(d)), 262.27, 262.30, 262.31 through 262.34, 262.35 (except the phrase “and the requirements of §262.13(d) and §263.10(d)” at 262.35(a)(2)), 262.40, 262.41 (except references to PCBs) (January 21, 1996), 262.42, 262.43, 262.50 through 262.58, 262.60 (except 262.60(e)), 262.70 and Appendix I.

Section 263—Standards Applicable to Transporters of Hazardous Waste—263.10 (except 263.10(d) and (e)), 263.11, 263.12, 263.20 (except 263.20(g)(4)), 263.21, 263.22, 263.30 and 263.31.

Section 264—Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities—264.1 (except 264.1(f) and 264.1(g)(7)), 264.3, 264.4, 264.10, 264.11, 264.12 (except 264.12(a)(2)), 264.13 through 264.19, 264.20(a) through (c), 264.30 through 264.35, 264.37, 264.50 through 264.56, 264.70, 264.71 (except 264.71(a)(3), (d) and (e)), 264.72, 264.73, 264.74, 264.75 (except 264.75(g)), 264.75(g) (January 21, 1996), 264.75(h) (January 21, 1996), 264.76 (except 264.76(b)), 264.77, 264.90 through 264.101, 264.110 through 264.120, 264.140, 264.141 (except the definition of “captive insurance” at 264.141(f)), 264.142, 264.143 (except the last sentence of 264.143(e)(1)), 264.144, 264.145 (except the last sentence of 264.145(e)(1)), 264.146, 264.147 (except the last sentences of 264.147(a)(1)(i) and 264.147(b)(1)(i) and except 264.147(g)(1)(ii)), 264.148, 264.151, 264.170 through 264.174, 264.175 (except 264.175(d)(2)), 264.176 through 264.179, 264.190 through 264.200, 264.220 through 264.223, 264.226 through 264.232, 264.250 through 264.254, 264.256 through 264.259, 264.270 through 264.273, 264.276, 264.278 through 264.283, 264.300 through 264.304, 264.309, 264.310, 264.312(a), 264.313, 264.314 (except 264.314(a)(2) and (a)(3)), 264.315, 264.316, 264.317, 264.340 through 264.345, 264.347, 264.351, 264.550 through 264.553, 264.554 (except 264.554(a)(2)), 264.555, 264.570 through 264.575, 264.600 through 264.603, 264.1030 through 264.1036, 264.1050 (except 264.1050(g)), 264.1051 through 264.1065, 264.1080 through 264.1090, 264.1100, 264.1101, 264.1102, 264.1200, 264.1201, 264.1202, Appendix I (except codes T78 and T79 in Table 2), and Appendices IV, V and IX.

Section 265—Interim Status Standards For Owners And Operators Of Hazardous Waste Treatment, Storage, And Disposal Facilities—265.1 (except 265.1(c)(2) and (c)(4)), 265.4, 265.10, 265.11, 265.12 (except 265.12(a)(2)), 265.13 through 265.19, 265.30 through 265.35, 265.37, 265.50 through 265.56, 265.70, 265.71 (except 265.71(a)(3), (d) and (e)), 265.72, 265.73, 265.74, 265.75 (except 265.75(g)), 265.75(g) (January 21, 1996), 265.75(h) (January 21, 1996), 265.76, 265.77, 265.90 through 265.94, 265.110 through 265.121, 265.140, 265.141 (except the definition of “captive insurance” at 265.141(f)), 265.142, 265.143 (except the last sentence of 265.143(d)(1)), 265.144, 265.145, 265.146, 265.147 (except the last sentences of 265.147(a)(1) and 265.147(b)(1) and except 265.147(g)(1)(ii)), 265.148, 265.170 through 265.174, 265.176, 265.177, 265.178, 265.190 through 265.202, 265.220 through 265.226, 265.228 through 265.231, 265.250 through 265.260, 265.270, 265.272, 265.273, 265.276, 265.278 through 265.282, 265.300 through 265.304, 265.309, 265.310, 265.312(a), 265.313, 265.314 (except 265.314(a)(2) and (3)), 265.315, 265.316, 265.340, 265.341, 265.345, 265.347, 265.351, 265.352, 265.370, 265.373, 265.375, 265.377, 265.381, 265.382, 265.383, 265.400 through 265.406, 265.430, 265.440 through 265.445, 265.1030 through 265.1035, 265.1050 (except 265.1050(f)), 265.1051 through 265.1064, 265.1080 through

265.1102, 265.1200, 265.1201, 265.1202, Appendix I (except codes T78 and T79 in Table 2), and Appendices III through VI.

Section 266—Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities—266.20 through 266.23, 266.70 (except 266.70(b)(3)), 266.80, 266.100 through 266.112, 266.200 through 266.206, 266.210, 266.220, 266.225, 266.230, 266.235, 266.240, 266.245, 266.250, 266.255, 266.260, 266.305, 266.310, 266.315, 266.320, 266.325, 266.330, 266.335, 266.340, 266.345, 266.350, 266.355, 266.360 and Appendices I through XIII.

Section 268—Land Disposal Restrictions—268.1 through 268.4, 268.7 (except 268.7(a)(2)(ii)), 268.9 (except 268.9(d)(2)(ii)), 268.13, 268.14, 268.20, 268.30 through 268.39, 268.40 (except 268.40(e)(1)—(4) and 268.40(i)), 268.41, 268.42 (except 268.42(b)), 268.43, 268.45, 268.46, 268.48, 268.49, 268.50, Appendices III, IV, VI through IX and XI.

Section 270—Administered Permit Programs: The Hazardous Waste Permit Program—270.1, 270.2, 270.3 (except 270.3(f), 270.4, 270.5, 270.6(a) (except the reference to SW-846)), 270.6(b), 270.7 (except 270.7(h) and (j)), 270.10 (except 270.10(e)(8) and (k)), 270.11 through 270.33, 270.40 through 270.43, 270.50, 270.51, 270.60 (except 270.60(a)), 270.61 through 270.66, 270.68, 270.70 through 270.73, 270.79, 270.80, 270.85, 270.90, 270.95, 270.100, 270.105, 270.110, 270.115, 270.120, 270.125, 270.130, 270.135, 270.140, 270.145, 270.150, 270.155, 270.160, 270.165, 270.170, 270.175, 270.180, 270.185, 270.190, 270.195, 270.200, 270.205, 270.210, 270.215, 270.220, 270.225, 270.230 and 270.235.

Section 273—Standards for Universal Waste Management—273.1 through 273.4, 273.5 (except 273.5(b)(3)), 273.6, 273.8 through 273.20, 273.30 through 273.40, 273.50 through 273.56, 273.60, 273.61, 273.62, 273.70, 273.80, 273.81.

Section 279—Standards for the Management of Used Oil—279.1, 279.10, 279.11, 279.12, 279.20 through 279.24, 279.30, 279.31, 279.32, 279.40 through 279.47, 279.50 through 279.67, 279.70 through 279.75, 279.80, 279.81 and 279.82(a).

Copies of the Arkansas regulations that are incorporated by reference are available from the Arkansas Department of Environmental Quality Web site at <http://www.adeq.state.ar.us> or the Public Outreach Office, ADEQ, Post Office Box 8913, Little Rock, AR 72219-8913, Phone (501) 682-0923.

FLORIDA

The statutory provisions include:

Florida Statutes, 1991, Chapter 1: 1.01 (1) and (2).

Florida Statutes, 1993, Chapter 403: 403.031 introductory paragraph; 403.031 (2)–(7); 403.087(1) first sentence, and (6); 403.201(4) (except the phrase “may require by rule a processing fee for and”); 403.703 introductory paragraph; 403.703 (2)–(6), (8)–(28), (30)–(34), (36), and (40), (42)–(44); 403.7045(1) introductory paragraph, (1) (a), (b) and (d); 403.7045(2)

introductory paragraph; 403.7045(2) (a)-(c); 403.7045(3) introductory paragraph; 403.7045(3) (a)-(c); 403.72(2); 403.721(1); 403.722 (1)-(6); 403.7221; 403.724(1) (except the phrase "or corrective action"); 403.724(2); 403.728; 403.74 (1), (3)-(5); 403.751(1) (except (d) & (e); and (2).

Florida Statutes, 1994 Supplement to 1993, Chapter 403: 403.031(1); 403.703(1); 403.7222 (1) and (2); 403.74(2).

Florida Statutes, 1993, Chapter 404: 404.031(13).

Copies of the Florida Statutes that are incorporated by reference are available from the Florida Department of State, Division of Elections, Bureau of Administrative Code, Weekly and Laws, The Elliot Building, 401 South Monroe Street, Tallahassee, Florida 32399-0250.

The regulatory provisions include:

The Florida Administrative Code, Chapter 62-4, effective July 4, 1995: 62-4.070(2); 62-4.080; and 62-4.100.

The Florida Administrative Code, Chapter 62-730, effective September 7, 1995: 62-730.001; 62-730.020 (1), (3), and (4); 62-730.021; 62-730.030; 62-730.140; 62-730.150; 62-730.160; 62-730.161; 62-730.170(1); 62-730.171; 62-730.180 (1)-(5), (7), and (8); 62-730.181; 62-730.183; 62-730.185; 62-730.200 (except (3)); 62-730.210; 62-730.220 (1), (2), (3), (5)-(8), (10), and (11); 62-730.231 (except (10)); 62-730.240 (1) and (2); 62-730.250; 62-730.260; 62-730.270(1) (except (1)(b)(4) and (1)(c)(3)), (2), and (3); 62-730.280; 62-730.290 (except the phrase "and submittal of the appropriate permit modification fee" at subparagraph (3)); 62-730.300; 62-730.320; 62-730.330; and 62-730.900.

Copies of the Florida Administrative Code are available from the Florida Department of State, Division of Elections, Bureau of Administrative Code, Weekly and Laws, The Elliot Building, 401 South Monroe Street, Tallahassee, Florida 32399-0250.

IDAHO

(a) The statutory provisions include:

Idaho Code containing the General Laws of Idaho Annotated, Title 39, Chapter 44, "Hazardous Waste Management", 2002: sections 39-4402; 39-4403 (except 39-4403(6) & (14)); 39-4408(1)-(3); 39-4409(1) (except fourth and fifth sentences); 39-4409(2) (only the first sentence); 39-4409(4) (except first sentence); 39-4409(5); 39-4409(6); 39-4409(7); 39-4409(8); 39-4411(2); 39-4411(4); 39-4411(5); 39-4423 (except 39-4423(3)(a) & (b)); and 39-4424.

Idaho Code containing the General Laws of Idaho Annotated, Title 39, Chapter 58, "Hazardous Waste Facility Siting Act", published in 2002 by the Michie Company, Law Publishers: sections 39-5802; 39-5803; 39-5808; 39-5811; 39-5813(1); and 39-5818(2). Copies of the Idaho statutes that are incorporated by reference are available from Michie Company, Law Publishers, 1 Town Hall Square, Charlottesville, VA 22906-7587.

(b) The regulatory provisions include:

Idaho Department of Environmental Quality Rules and Regulations, Idaho Administrative Code, IDAPA 58, Title 1, Chapter 5, "Rules and Standards for Hazardous Waste", as published on July 2008: sections 58.01.05.001; 58.01.05.002; 58.01.05.003; 58.01.05.004; 58.01.05.005; 58.01.05.006; 58.01.05.007; 58.01.05.008; 58.01.05.009; 58.01.05.010; 58.01.05.011; 58.01.05.012; 58.01.05.013; 58.01.05.014; 58.01.05.015; 58.01.05.016; 58.01.05.018; 58.01.05.356.01; and 58.01.05.998.

INDIANA

The statutory provisions include:

Annotated Indiana Code, 1998 edition, Title 13, Sections 13-14-1, 13-14-7, 13-14-8, 13-19-3, 13-22-2, and 13-22-4.

Copies of the Indiana statutes that are incorporated by reference are available from West Publishing Company, 610 Opperman Drive, P.O. Box 64526, St. Paul, Minnesota 55164-0526.

The regulatory provisions include:

Indiana Administrative Code, 1996 edition, 2000 cumulative supplement, Title 329, Article 3.1, Sections 3.1-1-7, 3.1-4-1, 3.1-5-1, 3.1-5-2, 3.1-5-3, 3.1-5-4, 3.1-5-5, 3.1-5-6, 3.1-6-1, 3.1-6-2, 3.1-7-1, 3.1-7-2, 3.1-7-3, 3.1-7-4, 3.1-7-5, 3.1-7-6, 3.1-7-7, 3.1-7-8, 3.1-7-9, 3.1-7-10, 3.1-7-11, 3.1-7-12, 3.1-7-13, 3.1-7-14, 3.1-7-15, 3.1-7-16, 3.1-8-1, 3.1-9-1, 3.1-9-2, 3.1-9-3, 3.1-10-1, 3.1-10-2(1 through 3), 3.1-10-2(5 through 22), 3.1-11-1, 3.1-11-2, 3.1-12-1, 3.1-13-1, 3.1-13-2(1 through 3), 3.1-13-2(5 through 15), 3.1-13-3, 3.1-13-4, 3.1-13-5, 3.1-13-6, 3.1-13-7, 3.1-13-8, 3.1-13-9, 3.1-13-10, 3.1-13-11, 3.1-13-12, 3.1-13-13, 3.1-13-14, 3.1-13-15, 3.1-13-16, 3.1-13-17, 3.1-14-1, 3.1-14-2, 3.1-14-3, 3.1-14-4, 3.1-14-5, 3.1-14-6, 3.1-14-7, 3.1-14-8, 3.1-14-9, 3.1-14-10, 3.1-14-11, 3.1-14-12, 3.1-14-13, 3.1-14-14, 3.1-14-15, 3.1-14-16, 3.1-14-17, 3.1-14-18, 3.1-14-19, 3.1-14-20, 3.1-14-21, 3.1-14-22, 3.1-14-23, 3.1-14-24, 3.1-14-25, 3.1-14-26, 3.1-14-27, 3.1-14-28, 3.1-14-29, 3.1-14-30, 3.1-14-31, 3.1-14-32, 3.1-14-33, 3.1-14-34, 3.1-14-35, 3.1-14-36, 3.1-14-37, 3.1-14-38, 3.1-14-39, 3.1-14-40, 3.1-15-1, 3.1-15-2, 3.1-15-3, 3.1-15-4, 3.1-15-5, 3.1-15-6, 3.1-15-7, 3.1-15-8, 3.1-15-9, 3.1-15-10, 3.1-16-1, 13-1-1, 13-1-2, 13-2-1, 13-2-2, 13-2-3, 13-2-4, 13-2-5, 13-2-6, 13-2-7, 13-2-8, 13-2-9, 13-2-10, 13-2-11, 13-2-12, 13-2-13, 13-2-14, 13-2-15, 13-2-16, 13-2-17, 13-2-18, 13-2-19, 13-2-20, 13-2-21, 13-2-22, 13-2-23, 13-2-24, 13-2-25, 13-2-26, 13-2-27, 13-3-1, 13-3-2, 13-3-3, 13-4-1, 13-4-2, 13-4-3, 13-4-4, 13-4-5, 13-5-1, 13-5-2, 13-5-3, 13-6-1, 13-6-2, 13-6-3, 13-6-4, 13-6-5, 13-6-6, 13-6-7, 13-6-8, 13-7-1, 13-7-2, 13-7-3, 13-7-4, 13-7-5, 13-7-6, 13-7-7, 13-7-8, 13-7-9, 13-7-10, 13-8-1, 13-8-2, 13-8-3, 13-8-4, 13-8-5, 13-8-6, 13-8-7, 13-8-8, 13-9-1, 13-9-2, 13-9-3, 13-9-4, 13-9-5, 13-9-6, 13-10-1, 13-10-2, 13-10-3.

Copies of the Indiana regulations that are incorporated by reference are available from Indiana Legislative Services Agency, Administrative Code and Register Division, Legislative Information Center, 302 State House, Indianapolis, Indiana 46204.

Environmental Protection Agency

Pt. 272, App. A

LOUISIANA

The statutory provisions include:

Louisiana Statutes Annotated, Revised Statutes, 2000 Main Volume (effective August 15, 1999), Volume 17B, Subtitle II of Title 30, Louisiana Environmental Quality Act, 2000: Chapter 1, Sections 2004 introductory paragraph, 2004(2)–(4), 2004(7)–(10), 2004(13), 2004(14) introductory paragraph, 2004(14)(a) and (e), 2004(15), 2004(18); Chapter 8, Section 2153(1); Chapter 9, Sections 2173, except 2173(9), 2183.A, B, D, E and I, 2183.1.A, 2184.A, 2188.B, 2189.C, 2202, 2203.A, 2204.A(1) and C, 2295.A and B.

Louisiana Statutes Annotated, Revised Statutes, 2007 (effective August 15, 2006) Cumulative Annual Pocket Part, Volume 17B, Subtitle II of Title 30, Louisiana Environmental Quality Act: Chapter 1, Sections 2003; Chapter 2, Sections 2022.A(1), first sentence, 2022.1(A); Chapter 18, 2417.E(5).

Copies of the Louisiana statutes that are incorporated by reference are available from and published by West Publishing Company, 610 Opperman Drive, P.O. Box 64526, St. Paul, Minnesota 55164-0526; Phone: 1-800-328-4880; Web site: <http://west.thomson.com>.

The regulatory provisions include:

Louisiana Administrative Code, Title 33, Part V, Hazardous Waste and Hazardous Materials, Louisiana Hazardous Waste Regulations, Part V, Subpart 1: Department of Environmental Quality—Hazardous Waste, revised as of December 31, 2006 (unless otherwise specified):

Chapter 1—General Provisions and Definitions, Sections 103, 105, 108, (except G.5), 109 (except “Competent Authorities”, “Concerned Countries”, the two occurrences of “Consignee”, “Country of Transit”, “EPA Acknowledgement of Consent”, “Exporting Country”, “Importing Country”, “Notifier”, “Organization for Economic Cooperation and Development (OECD) Area”, “Primary Exporter”, “Receiving Country”, “Recognized Trader”, “Recovery Facility”, “Recovery Operations”, “Transfrontier Movement”, “Transit Country”), 110 (except 110.A.16), 111;

Chapter 3—General Conditions for Transfer Storage and Disposal Facility Permits, Sections 303, 305 (except 305.C.11.c, 305.F and 305.G), 305.C.11.c (December 2004), 307, 309, 311 (except 311.A and .C), 313, 315.A–D, 317 through 321, 322 (except 322.D.1.g), 323 (except 323.B.3, .B.4.d and .B.4.e), 325, 329;

Chapter 5—Permit Application Contents, Sections 501, 505 through 516, 517 (except the following phrases in 517.V: “or 2271, or a determination made under LAC 33:V.2273,” and, “or a determination”), 519 through 528, 529 (except 529.E), 530 through 536, 537 (except 537.B.2.f and .B.2.1), 540 through 699;

Chapter 7—Administrative Procedures for Treatment Storage and Disposal Facility Permits, Sections 701, 706, 708;

Chapter 11—Generators, Sections 1101 (except 1101.B and .G), 1103, 1105, 1107 (except 1107.D.5), 1109 (except 1109.E.3 and .E.7.f), 1111.A, 1111.B.1 introductory paragraph (except the phrase “to a treatment, storage, or disposal facility within the United States”), 1111.B.1.a.–c, 1111.B.1.d (except the phrase “within the United States”), 1111.B.1.e (except the phrase “within the United States”), 1111.B.1.f–h, 1111.B.2 (except the phrase “for a period of at least three years from the date of the report” and the third and fourth sentences), 1111.C–E, 1113, 1121, 1199 Appendix A;

Chapter 13—Transporters, Sections 1301 (except 1301.F), 1303, 1305, 1307.A introductory paragraph (except the third sentence), 1307.B, 1307.C (except the last sentence), 1307.D, 1307.E (except the phrase “and, for exports, an EPA Acknowledgment of Consent”), 1307.F (except the phrase “and, for exports, an EPA Acknowledgment of Consent” at 1307.F.2), 1307.G (except 1307.G.4), 1307.H, 1309, 1311, 1315 through 1323;

Chapter 15—Treatment, Storage and Disposal Facilities, Sections 1501 (except 1501.C.3, 1501.C.11.c), 1501.C.11.c (December 2004), 1503 through 1515, 1516 (except 1516.B.4), 1517, 1519 (except 1519.D), 1521 through 1529, 1531 (except 1531.B), 1533, 1535;

Chapter 17—Air Emission Standards, Sections 1701 through 1767, Appendix Table 1;

Chapter 18—Containment Buildings, Sections 1801, 1802, 1803, (except 1803.B.2);

Chapter 19—Tanks, Sections 1901 (except 1901.D), 1903, 1905 (except 1905.H), 1907, 1909 (except 1909.D), 1911, 1913, 1915 (except 1915.D), 1917, 1919, 1921;

Chapter 20—Integration with Maximum Achievable Control Technology (MACT), Section 2001;

Chapter 21—Containers, Sections 2101 (except 2101.D), 2103 through 2119;

Chapter 22—Prohibitions on Land Disposal, Sections 2201.B–D, 2201.G (except 2201.G.3), 2201.H, 2201.I (except 2201.I.5.c), 2201.I.5.c (December 2004), 2203.A (except “Cone of influence”, “Confining zone”, “Formation”, “Injection Interval”, “Injection Zone”, “Mechanical Integrity”, “Transmission Fault or Fracture”, “Treatment”, “Underground Source of Drinking Water”), 2203.B, 2205, (except the phrase “or a determination under LAC 33:V.2273,” in 2205.D), 2207, 2208, 2209 (except the phrase “or a determination under LAC 33:V.2273,” in 2209.D.1), 2211, 2213, 2215, 2216 (except the phrase “or 2271” in 2216.E.2), 2218 (except the phrase “or 2271” in 2218.B.2), 2219, 2221.D–F, 2223, 2227 (except 2227.B), 2230, 2231.G–M, 2233, 2236, 2237, 2245 (except 2245.J and .K), 2246, 2247 (except 2247.G and .H), 2299 Appendix (except 2299 Tables 4 and 12);

Chapter 23—Waste Piles, Sections 2301, 2303 (except 2303.K), 2304 through 2313, 2315 (except the word “either” at the end of the introductory paragraph, the word “or” at the end of 2315.B.1, and .B.2), 2317;

Chapter 24—Hazardous Waste Munitions and Explosives Storage, Sections 2401 through 2405;

Chapter 25—Landfills, Sections 2501 through 2513, 2515 (except 2515.F.2.d), 2517 through 2523;

Chapter 26—Corrective Action Management Units And Temporary Units, Sections 2601 through 2607;

Chapter 27—Land Treatment, Sections 2701, 2703 (except 2703.I and .J), 2705 through 2723;

Chapter 28—Drip Pads, Sections 2801 through 2807, 2809 (except the word “either” at the end of 2809.B introductory paragraph, the word “or” at the end of 2809.B.1, and .B.2);

Chapter 29—Surface Impoundments, Sections 2901, 2903 (except 2903.I), 2904 through 2909, 2911 (except the word “either” at end of 2911.B introductory paragraph, 2911.B.1), 2913 through 2919;

Chapter 30—Hazardous Waste Burned In Boilers and Industrial Furnaces, Sections 3001 through 3007, 3009 (except 3009.F), 3011 through 3025, 3099 Appendices A through L;

Chapter 31—Incinerators, Sections 3101 through 3121;

Chapter 32—Miscellaneous Units, Sections 3201, 3203, 3205, 3207.A;

Chapter 33—Groundwater Protection, Sections 3301 through 3313, 3315 (except 3315.K), 3317 through 3321, 3322 (except 3322.D), 3323, 3325;

Chapter 35—Closure and Post-Closure, Sections 3501–3505, 3507 (except 3507.B), 3509 through 3519, 3521 (except 3521.A.3), 3523 through 3527;

Chapter 37—Financial Requirements 3701, 3703, 3705 (except the last sentence in 3705.D), 3707 introductory paragraph, 3707.A–H, 3707.I (except for “, and for facilities subject to LAC 33:V.3525 * * * LAC 33:V.3525.B.2”, and the two occurrences of “or that the owner or operator has failed * * * LAC 33:V.3525 ”), 3709 through 3713, 3715 (except 3715.F.8), 3717, 3719;

Chapter 38—Universal Wastes, Sections 3801.A (December 2004), 3801.B–D, 3803, 3805, 3807.A–C (December 2004), 3809 through 3811, 3813, (except “Ampule”, “Mercury-Containing Equipment”, “Mercury-containing Lamp”, “Universal Waste” .3), 3813 “Universal Waste” .3, (December 2004), 3815, 3817, 3819, 3821 (except 3821.C), 3821.C (December 2004), 3823 (except 3823.A.4 and .A.5), 3823.A.4, (December 2004), 3825 through 3833, 3835 (except the phrase “other than to those OECD countries...requirements of LAC 33:V.Chapter 11.Subchapter B.”), 3837, 3839, 3841 (except 3841.B.5), 3841.B.5 (December 2004), 3843 (except 3843.C), 3843.C (December 2004), 3845 (except 3845.A.4 and .A.5), 3845.A.4, (December 2004), 3847 through 3853, 3855 (except 3855.A.2 and .B.2), 3855.A.2 (December 2004), 3855.B.2 (December 2004), 3857 introductory paragraph (except the phrase “other

than to those OECD countries * * * requirements of LAC 33:V.Chapter 11.Subchapter B.”), 3857.A.1–A.3, 3859 through 3869, 3871.A introductory paragraph (except the phrase “other than to those OECD countries * * * requirements of LAC 33:V.Chapter 11.Subchapter B.”), 3871.A.1–.2, 3873, 3875, 3877 (except 3877.A.2), 3877.A.2 (December 2004), 3879 (except 3879.B), 3881, 3883;

Chapter 40—Used Oil 4001 through 4093;

Chapter 41. Recyclable Materials, Sections 4101, 4105 (except 4105.A.1.a.i and ii, 4105.A.4), 4139, 4141, 4143 (except the word “and” at end of 4143.B.4, 4143.B.5), 4145;

Chapter 42—Conditional Exemption For Low-Level Mixed Waste Storage and Disposal, Sections 4201 through 4243;

Chapter 43—Interim Status, Sections 4301.A, 4301.B (June 1995), 4301.B, 4301.C, (June 1995), 4301.C, (except 4301.C.13.c), 4301.C.13.c. (December 2004), 4301.D–I, 4302 through 4371, 4373 (except the last two sentences “The administrative authority * * * as demonstrated in accordance with LAC 33:I.Chapter 13.” in 4373.K.1), 4375, 4377, 4379 (except 4379.B), 4381 through 4387, 4389 (except 4389.C), 4391 through 4397, 4399 (except 4399.A.6.i), 4401, 4403 (except the phrases: “and after receiving the certification required under LAC 33:V.4393.B.2. for facilities subject to LAC 33:V.4393”, and the two occurrences of “or that the owner or operator has failed * * * LAC 33:4393” in 4403.H), 4405 through 4413, 4417 through 4456, 4457.A (except 4457.A.2), 4457.B (except the phrase: “If the owner or operator * * *he must” in the introductory paragraph), 4457.C, 4459 through 4474, 4475 (except the word “either” at the end of 4475.B introductory paragraph, the word “or” at the end of 4475.B.1, and 4475.B.2); 4476 through 4499, 4501 (except 4501.D.3), 4502 through 4599, 4601, 4701, 4703, 4705 (except the word “either” at the end of 4705.B introductory paragraph, the word “or” at the end of 4705.B.1, and 4705.B.2); 4707 through 4739;

Chapter 49—Lists of Hazardous Wastes, Sections 4901, 4903, 4907, 4909, 4999 Appendices A through E;

Chapter 53—Military Munitions 5301 through 5311;

Louisiana Administrative Code, Title 33, Part VII, Solid Waste, as amended through June 20, 2000; 301.B.1, 315.N, 521.H;

Copies of the Louisiana Administrative Code as published by the Office of the State Register, P.O. Box 94095, Baton Rouge, LA 70804-9095; Phone: (225) 342-5015; Web site: <http://doa.louisiana.gov/osr/lac/lac.htm>.

MINNESOTA

The statutory provisions include: Minnesota Statutes, June 1992 edition, Chapters 13.03; 13.05 Subdivision 9; 13.08; 13.37; 15.17; 15.171; 115.061; 115A.03; 116.06; 116.07 Subdivisions 4, 4a, 4b, 5 and 8; 116.075; 116.081 Subdivisions 1 and 3; and 116.14.

Environmental Protection Agency

Pt. 272, App. A

The regulatory provisions include: Minnesota Rules, June 1992 edition, 7001.0010; 7001.0020(B); 7001.0030–7001.0150(3)(C); 7001.0150(3)(E)–7001.0200; 7001.0500–7001.0730(2); 7001.0730(4); 7045.0020–7045.0143; 7045.0205–7045.0270(6); 7045.0275–7045.0310; 7045.0351–7045.0685; 7045.0692–7045.0695; 7045.1300–7045.1380 (June 1992 edition).

MISSOURI

The statutory provisions include: 260.350–260.360(3), 260.360(5)–260.360(12), 260.360(14)–260.360(19), 260.380–1.–260.380–1.(9), 260.380–2., 260.385(2)–260.390(7), 260.390(9), 260.395–6.–260.395–7.(4), 260.395–7.(7)–260.395–18.

The regulatory provisions include: 3.260–3.260(1)(A)20, 3.260(1)(A)22–3.260(1)(A)23, 3.260(2), 4.261–4.261(2)(A)5, 5.262–5.262(2)(B)1., 5.262(2)(B)3.–5.262(2)(C)1., 5.262(2)(C)2.A.–5.262(2)(D), 5.262(2)(D)2.–5.262(2)(H), 6.263–6.263(2)(A)2., 6.263(2)(A)5.–6.263(2)(A)10.C, 6.263(2)(B)–6.263(2)(D)2., 7.264–7.264(2)(A)2., 7.264(2)(B)2.–7.264(2)(O), 7.264(2)(X), 7.265–7.265(2)(A), 7.265(2)(E)–7.265(2)(K), 7.266–7.266(2), 7.268–7.268(2), 7.268(2)(A)1., 7.268(2)(A)4.–7.268(2)(C), 7.270–7.270(2)(B)6., 7.270(2)(B)9., 7.270(2)(B)11., 7.270(2)(B)14.–7.270(2)(B)17., 7.270(2)(C)–7.270(2)(C)1., 7.270(2)(C)1.B.–7.270(2)(C)1.C., 7.270(2)(C)2.–7.270(2)(C)2.C., 7.270(2)(C)2.E., 7.270(2)(D)–7.270(2)(D)3., 7.270(2)(E)–7.270(2)(G).

MONTANA

The regulatory provisions include:

Administrative Rules of Montana, Title 17, Environmental Quality, Chapter 53, Hazardous Waste, effective April 1, 2005, sections 17.53.101, 17.53.102, 17.53.105, 17.53.107, 17.53.111(1), 17.53.111(2), (except the phrase “or to pay the fee required by ARM 17.53.111” in the introductory paragraph), 17.53.111(3) (except the phrase “and the generator fee required by ARM 17.53.113” at 17.53.111(3)(a)), 17.53.301 (except the phrase “and for which a registration fee is assessed” at 17.53.301(2)(q)), 17.53.401, 17.53.402, 17.53.403, 17.53.501, 17.53.502, 17.53.601, 17.53.602, 17.53.603, 17.53.604, 17.53.701, 17.53.702, 17.53.704, 17.53.706, 17.53.707, 17.53.708, 17.53.801, 17.53.802, 17.53.803, 17.53.901, 17.53.902, 17.53.903, 17.53.1001, 17.53.1002, 17.53.1003, 17.53.1004, 17.53.1101, 17.53.1102, 17.53.1201, 17.53.1202 (except 17.53.1202(5)(1), (5)(m), (6) and (17)), 17.53.1203, 17.53.1301, 17.53.1302, 17.53.1303, 17.53.1401, and 17.53.1402.

Copies of the Montana regulations that are incorporated by reference are available from the Montana Secretary of State, Administrative Rules Bureau, P.O. Box 202801, Helena, MT 59620–2801 (Phone: 406–444–2055).

NEW MEXICO

The statutory provisions include:

New Mexico Statutes 1978 Annotated, Hazardous Waste Act, Chapter 74, Article 4 (2000 Replacement Pamphlet). Please note that for

a few provisions the version found in the 2009 Cumulative Supplement to NMSA 74–4 is the approved version of the statutes.

Chapter 74, Article 4, Sections 74–4–2, 74–4–3 (except 74–4–3.A, 74–4–3.N, and 74–4–3.R) (2009 Cumulative Supplement), 74–4–3.1, 74–4–4.2.A and 74–4–4.2.B (2009 Cumulative Supplement), 74–4–4.2.G introductory paragraph (2009 Cumulative Supplement), 74–4–4.2.G(2) (2009 Cumulative Supplement), 74–4–4.3.F (2009 Cumulative Supplement), 74–4–4.7 (except 74–4–4.7.B and 74–4–4.7.C), 74–4–9, and 74–4–10.1.C, as published by Conway Greene Company, 1400 East 30th Street, Suite #402, Cleveland, OH 44114; Phone: (216) 619–8091; Web site: <http://www.conwaygreene.com/nmsu/lpert.dll?f=templates&fn=main-h.htm&2.0>.

The regulatory provisions include:

Title 20, Chapter 4, Part 1, New Mexico Annotated Code, effective March 1, 2009, unless otherwise indicated, Sections 20.4.100, 20.4.1.101, 20.4.1.200, 20.4.1.300, 20.4.1.301, 20.4.1.400, 20.4.1.401, 20.4.1.500, 20.4.1.501, 20.4.1.600, 20.4.1.601, 20.4.1.700, 20.4.1.701, 20.4.1.702, 20.4.1.800, 20.4.801, 20.4.1.900, 20.4.1.901.B.1 through 20.4.1.901.B.7, 20.4.1.901.E, 20.4.1.902, 20.4.1.1000, 20.4.1.1001 introductory paragraph, 20.4.1.1001.A(2), 20.4.1.1001.B, 20.4.1.1002, 20.4.1.1003, 20.4.1.1102 (June 14, 2000), and 20.4.1.103 (October 1, 2003). Copies of the New Mexico regulations can be obtained from the New Mexico Commission of Public Records, State Records Center and Archives, Administrative Law Division, 1205 Camino Carlos Rey, Santa Fe, NM 87507; Phone: (505) 476–7907; Web site: <http://www.nmcpr.state.nm.us/nmac/titles.htm>.

NEW YORK

The regulatory provisions include:

Title 6, New York Codes, Rules and Regulations (6 NYCRR), Volume A–2A, Hazardous Waste Management System, as amended through September 5, 2006.

PLEASE NOTE: For a few regulations, the authorized regulation is an earlier version of the New York State regulation. For these regulations, EPA authorized the version of the regulations that appear in the Official Compilation of Code, Rules and Regulations dated January 31, 1992. New York State made later changes to these regulations but these changes have not been authorized by EPA. The regulations where the authorized regulation is an earlier version of the regulation are noted below by inclusion in parentheses of January 31, 1992 after the regulatory citations.

Part 370—Hazardous Waste Management System—General: Sections 370.1(a) (except (a)(3)); 370.1(b) through (d); 370.1(e) (except (e)(9)); 370.1(f); 370.2(a); 370.2(b)(1) through (b)(15) “battery”; 370.2(b)(15) “bedrock” (January 31, 1992); 370.2(b)(17) through (b)(91); 370.2(b)(94) through (b)(125); 370.2(b)(127) through (b)(137); 370.2(b)(139) through (b)(213); 370.2(b)(215); 370.2(B)(216); 370.2(b)(217) (except

Pt. 272, App. A

40 CFR Ch. I (7–1–12 Edition)

the last sentence); 370.2(b)(218) through (b)(221); 370.3 (except 370.3(c)); 370.4; 370.5 (except (b)).

Part 371—Identification and Listing of Hazardous Waste: Sections 371.1(a) through (c); 371.1(d) (except (d)(1)(ii)(c) and (d)(1)(ii)(e)); 371.1(e) (except 371.1(e)(2)(vi)(b)(21); 371.1(f)(1) through (7); 371.1(f)(8) (except the phrase “or such mixing occurs at a facility regulated under Subpart 373–4 or permitted under Part 373 of this Title”); 371.1(f)(9) and (f)(10); 371.1(g)(1)(i); 371.1(g)(1)(ii) (except (g)(1)(ii)(c)); 371.1(g)(1)(iii); 371.1(g)(2) through (4); 371.1(h) through (j); 371.2; 371.3; 371.4(a) and (b); 371.4(c) (except K064, K065, K066, K090 and K091 entries); 371.4(d), (f) and (i).

Part 372—Hazardous Waste Manifest System and Related Standards for Generators, Transporters and Facilities: Sections 372.1(a) through (d); 372.1(e)(2)(ii)(c) (January 31, 1992); 372.1(e)(2)(iii)(c) (January 31, 1992); 372.1(e)(3) through (e)(8); 372.1(g) and (h); 372.2 introductory paragraph through (b)(4); 372.2(b)(5) (except (b)(5)(ii)); 372.2(b)(6) through (b)(8); 372.2(b)(10); 372.2(c); 372.2(d)¹; 372.3 (except (a)(1), (a)(4), (a)(7)(i), (a)(8), (b)(3), (b)(5)(ii), (b)(6)(iv), (b)(7)(i)(d), (c)(4) and (d)(3)); 372.5 (except (h) and (i); 372.6; 372.7(a) and (b); 372.7(c) (except (c)(1)(ii)); and 372.7(d).

Part 373, Subpart 373–1—Hazardous Waste Treatment, Storage and Disposal Facility Permitting Requirements: Sections 373–1.1(a) through (c), 373–1.1(d) introductory paragraph through (d)(1)(xx) (except reserved paragraphs, (d)(1)(x) and (d)(1)(xviii); 373–1.1(d)(1)(xxi)¹; 373–1.1(d)(2); 373–1.1(e); 373–1.1(h) and (i); 373–1.2; 373–1.3; 373–1.4(a); 373–1.4(g) and (h); 373–1.5(a)(1); 373–1.5(a)(2) (except (a)(2)(xviii)); 373–1.5(a)(3) and (4); 373–1.5(b) and (c); 373–1.5(d) through (p) (except reserved paragraphs); 373–1.6 (except (c)); 373–1.7 through 373–1.11.

Part 373, Subpart 373–2—Final Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities: Sections 373–2.1 through 373–2.4; 373–2.5(a); 373–2.5(b) (except (b)(1)(i)(c), (b)(3)(ii)(d) and (b)(3)(ii)(e)); 373–2.5(c) through (g); 373–2.6 through 373–2.11; 373–2.12 (except 373–2.12(a)(1) and (d)); 373–2.12(a)(1) (January 31, 1992); 373–2.13; 373–2.14; 373–2.15 (except (a)(2)); 373–2.19 (except (e)(1)(ii)); 373–2.23; 373–2.24; 373–2.27; 373–2.28; 373–2.29; 373–2.30; and 373–2.31.

Part 373, Subpart 373–3—Interim Status Standards Regulations for Owners and Operators of Hazardous Waste Facilities: Sections 373–3.1 (except 373–3.1(a)(4) and the phrase “or Subpart 374–2 of this Title” in 373–3.1(a)(6)); 373–3.2 through 373–3.4; 373–3.5 (except 373–3.5(b)(1)(i)(c), (b)(3)(ii)(d) and (b)(3)(ii)(e)); 373–3.6 through 373–3.18; 373–3.23; and 373–3.27 through 373–3.31.

Part 374, Subpart 374–1—Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Man-

agement Facilities: Sections 374–1.1; 374–1.3; 374–1.6 (except (a)(2)(iii)); 374–1.7; 374–1.8(a)(1); 374–1.8(a)(2) (except the second sentence “Such used oil * * * of this Title” in (a)(2)(i)); 374–1.8(a)(3) through (a)(6); 374–1.8(b) through (m) (except reserved paragraphs); 374–1.9; and 374–1.13.

Part 374, Subpart 374–3—Standards for Universal Waste: Sections 374–3.1 (except (f) and (g)); 374–3.2; 374–3.3; 374–3.4 (except (a)(2)); 374–3.5; 374–3.6; and 374–3.7.

Part 376—Land Disposal Restrictions: Sections 376.1 (except (a)(5), (a)(9), (e), (f), and (g)(1)(ii)(b)); 376.2; 376.3 (except (b)(4) and (d)(2)); 376.4 (except (c)(2), (e)(1)–(7) and (f)); and 376.5.

Appendices: Appendices 19 through 25; Appendices 27 through 30; Appendix 33; Appendix 37; Appendix 38; Appendices 40 through 49 and Appendices 51 through 55.

Copies of the New York regulations that are incorporated by reference are available from West Group, 610 Opperman Drive, Eagan, MN 55123, ATTENTION: D3–10 (Phone #: 1–800–328–9352).

¹NOTE:

MENTS FOR THE NY STATE PUBLIC UTILITIES PROJECT XL, WHICH WERE AUTHORIZED EFFECTIVE AUGUST 31, 2009 (74 FR 31380), WILL, UNLESS EXTENDED, EXPIRE ON MAY 24, 2011.

NORTH DAKOTA

(a) The statutory provisions include: North Dakota Century Code, Volume 4A, 2002 Replacement. Chapter 23–20.3 “Hazardous Waste”: Sections 23–20.3–05(1), (2), (4), (7), and (9). Copies of the North Dakota statutes that are incorporated by reference are available from the Matthew Bender & Company Inc., P.O. Box 7587, Charlottesville, VA 22906–7587, phone number: (800) 833–9844.

(b) The regulatory provisions include: North Dakota Administrative Code (NDAC), Article 33–24, Hazardous Waste Management, as amended through December 1, 2003.

Please note the following:

For a few regulations, the authorized regulation is an earlier version of the North Dakota State regulation. For these regulations, EPA authorized the version of the regulations that appear in the North Dakota Administrative Code dated July 1, 1997. North Dakota made later changes to these regulations, but these changes have not been authorized by EPA. The regulations where the authorized regulation is an earlier version of the regulation are noted below by inclusion in parentheses of July 1, 1997 after the regulatory citations.

Chapter 33–24–01—General Provisions: Sections 33–24–01–01 through 33–24–01–14.

Chapter 33–24–02—Identification and Listing of Hazardous Waste: 33–24–02–01; 33–24–02–02; 33–24–02–03 except .1.b(3) and (6); 33–24–02–04 through 33–24–02–06; 33–24–02–07; 33–24–02–08 through 33–24–02–19; 33–24–02–22; and Appendices I through V.

Environmental Protection Agency

Pt. 272, App. A

Chapter 33-24-03—Standards for Generators: Sections 33-24-03-01; 33-24-03-02; 33-24-03-03.1 and .2; 33-24-03-03.3, (except the phrases “and a transporter permit” and “and applied for a permit”); 33-24-03-03.4; 33-24-03-04 through 33-24-03-12; 33-24-03-13, (except the phrase “March first of each even-numbered year” in .2); 33-24-03-14 through 33-24-03-24; 33-24-03-30; 33-24-03-40; and Appendix I.

Chapter 33-24-04—Standards for Transporters: Sections 33-24-04-01, (except .4); 33-24-04-02.1, (except the phrase “, a transporter permit, and a registration certificate”); 33-24-04-02.2, (except the phrases “and a registration certificate, or a transporter permit,” and “and issue a registration certificate”); and 33-24-04-03 through 33-24-04-08.

Chapter 33-24-05—Standards for Treatment, Storage, and Disposal Facilities and for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities: Sections 33-24-05-01; 33-24-05-02, (except the second sentence); 33-24-05-03 through 33-24-05-10; 33-24-05-15 through 33-24-05-20; 33-24-05-26 through 33-24-05-31; 33-24-05-37 through 33-24-05-44; 33-24-05-47 through 33-24-05-50; 33-24-05-51, (except Table 1); 33-24-05-51, Table 1 (July 1, 1997); 33-24-05-52 through 33-24-05-55; 33-24-05-56, (except .11); 33-24-05-57 through 33-24-05-69; 33-24-05-74 through 33-24-05-81; 33-24-05-89 through 33-24-05-93; 33-24-05-94, (except .4.b); 33-24-05-95 through 33-24-05-98; 33-24-05-103 through 33-24-05-115; 33-24-05-118 through 33-24-05-128; 33-24-05-130 through 33-24-05-138; 33-24-05-144 through 33-24-05-151; 33-24-05-160 through 33-24-05-170; 33-24-05-176 through 33-24-05-188; 33-24-05-201 through 33-24-05-204; 33-24-05-230; 33-24-05-235; 33-24-05-250 through 33-24-05-252; 33-24-05-253, (except .3); 33-24-05-256, (except .1.b(2)); 33-24-05-258, (except .4.b(2)); 33-24-05-265; 33-24-05-270 through 33-24-05-279; 33-24-05-280, (except .9); 33-24-05-281; 33-24-05-282, (except .2); 33-24-05-283; 33-24-05-284.8 through .13; 33-24-05-285; 33-24-05-286; 33-24-05-288 through 33-24-05-290; 33-24-05-300 through 33-24-05-303; 33-24-05-400, (except .4); 33-24-05-401 through 33-24-05-406; 33-24-05-420 through 33-24-05-435; 33-24-05-450 through 33-24-05-460; 33-24-05-475 through 33-24-05-477; 33-24-05-501 through 33-24-05-506; 33-24-05-525 through 33-24-05-537; 33-24-05-550 through 33-24-05-553; 33-24-05-554, (except .1.b); 33-24-05-555; 33-24-05-600; 33-24-05-610 through 33-24-05-612; 33-24-05-620 through 33-24-05-624; 33-24-05-630 through 33-24-05-632; 33-24-05-640 through 33-24-05-647; 33-24-05-650 through 33-24-05-667; 33-24-05-670 through 33-24-05-675; 33-24-05-680; 33-24-05-681; 33-24-05-701 through 33-24-05-705; 33-24-05-708 through 33-24-05-720; 33-24-05-730 through 33-24-05-740; 33-24-05-750 through 33-24-05-756; 33-24-05-760 through 33-24-05-762; 33-24-05-770; 33-24-05-780; 33-24-05-781; 33-24-05-800 through 33-24-05-802; 33-24-05-820 through 33-24-05-826; 33-24-05-850; 33-24-05-855 through 33-24-05-857; 33-24-05-860; 33-24-05-865; 33-24-05-866; 33-24-

05-870; 33-24-05-875; 33-24-05-880; 33-24-05-885; 33-24-05-890; 33-24-05-895 through 33-24-05-900; 33-24-05-905; 33-24-05-910; 33-24-05-915; 33-24-05-916; and Appendices I through VIII, X through XIII, XVI through XXIV; and XXVI through XXIX.

Chapter 33-24-06—Permits: Sections 33-24-06-01, (except .2.a); 33-24-06-01.2.a (July 1, 1997); 33-24-06-02 through 33-24-06-04; 33-24-06-05.1.c; 33-24-06-06, (except .2 and .3); 33-24-06-07; 33-24-06-08; 33-24-06-10 through 33-24-06-13; 33-24-06-14, (except .3.a(4)); 33-24-06-14, Appendix I; 33-24-06-15 introductory paragraph through .1.a; 33-24-06-16.5 through .7; 33-24-06-17, (except .2.k and .2.z); 33-24-06-18 through 33-24-06-20; 33-24-06-30 through 33-24-06-35; and 33-24-06-100.

Chapter 33-24-07—Permitting Procedures: Sections 33-24-07-01; 33-24-07-02; and 33-24-07-03, (except .4).

Copies of the North Dakota regulations that are incorporated by reference are available from North Dakota Legislative Counsel, Second Floor, State Capitol, 600 E Boulevard, Bismarck, ND 58505, phone number: (701) 328-2916.

OKLAHOMA

The statutory provisions include:

Oklahoma Hazardous Waste Management Act, as amended, 27A Oklahoma Statute (O.S.) 1997 Edition (unless otherwise specified), Sections 2-7-103 (2008 supplement), 2-7-108(A) (2008 supplement), 2-7-108(B)(1) (2008 supplement), 2-7-108(B)(3) (2008 supplement), 2-7-108(C) (2008 supplement), 2-7-110(B), 2-7-110(C), 2-7-111(A), 2-7-111(B), 2-7-111(C)(1), 2-7-111(C)(2)(a), 2-7-111(D), 2-7-111(E), 2-7-112, 2-7-116(B) through 2-7-116(F), 2-7-116(H)(2), 2-7-118, 2-7-124, 2-7-125 (2008 supplement), 2-7-127 and 2-10-301(G), as published by West Publishing Company, 610 Opperman Drive, P.O. Box 64526, St. Paul, Minnesota 55164-0526; Phone: 1-800-328-4880; Web site: <http://west.thomson.com>.

The regulatory provisions include:

The Oklahoma Administrative Code (OAC), Title 252, Chapter 205, effective July 1, 2008: Subchapter 1, Sections 252:205-1-1(a), 252:205-1-1(c) introductory paragraph, 252:205-1-1(c)(1), 252:205-1-2 introductory paragraph, 252:205-1-2 “OHWMA”, 252:205-1-2 “Post-closure permit”, 252:205-1-3(c); Subchapter 3, Sections 252:205-3-1, 252:205-3-2(a)(2), 252:205-3-2(b)-(n), 252:205-3-4, 252:205-3-5 and 252:205-3-6; Subchapter 5, Sections 252:205-5-1 (except 252:205-5-1(4)), 252:205-5-2 through 252:205-5-5; Subchapter 7, Sections 252:205-7-2 and 252:205-7-4 (except the phrase “or in accordance with 252:205-15-1(d)”; Subchapter 9, Sections 252:205-9-1 through 252:205-9-4; Subchapter 11, Sections 252:205-11-1(a) (except the word “recycling”), 252:205-11-1(b)-(e) and 252:205-11-2; and Subchapter 13, Sections 252:205-13-1(a)-(e), as published by the State’s Office of Administrative Rules, Secretary of State, P.O. Box 53390, Oklahoma City, OK

Pt. 272, App. A

40 CFR Ch. I (7–1–12 Edition)

73152–3390; Phone number: 405–521–4911; Web site: http://www.sos.state.ok.us/oar/oar_welcome.htm.

SOUTH DAKOTA

The regulatory provisions include:

Administrative Rules of South Dakota, Article 74:28, Hazardous Waste, effective August 29, 2004, sections 74:28:21:01, 74:28:21:02, 74:28:21:03, 74:28:22:01, 74:28:23:01, 74:28:24:01, 74:28:25:01 through 74:28:25:05, 74:28:26:01, 74:28:27:01, 74:28:28:01 through 74:28:28:05, 74:28:29:01, 74:28:30:01 and 74:28:33:01; Article 74:36, Air Pollution Control Program, effective January 2, 2005, section 74:36:11:01.

Copies of the South Dakota regulations that are incorporated by reference are available from the South Dakota Legislative Research Council, 3rd Floor, State Capitol, 500 East Capitol Avenue, Pierre, SD 57501, (Phone: 605–773–3251).

TEXAS

The statutory provisions include:

Texas Health and Safety Code (THSC) Annotated, (Vernon 2001): Chapter 361, The Texas Solid Waste Disposal Act, sections 361.003 (except (3), (4), (19), (27), (35), and (39)), 361.019(a), 361.0235, 361.066(a), 361.087, 361.093, 361.094, 361.095(a), 361.099(b), and 361.110; Chapter 371, The Texas Oil Collection, Management, and Recycling Act, sections 371.003, 371.024(b), 371.026(d), and 371.041.

Texas Health and Safety Code (THSC) Annotated, (Vernon 2007 Supplement): Chapter 361, The Texas Solid Waste Disposal Act, sections 361.082(a) and (f), 361.086, and 361.0871(a).

Copies of the Texas statutes that are incorporated by reference are available from West Group, 610 Opperman Drive, Eagan, 55123, Attention: Order Entry; Phone: 1–800–328–9352; Web site: <http://west.thomson.com>.

The regulatory provisions include:

Texas Administrative Code, (TAC), Title 30, Environmental Quality, 2008, as amended, effective through December 31, 2007. Please note that the 2008 TAC, Title 30 is the most recent version of the Texas authorized hazardous waste regulations. For a few provisions, the authorized version is found in the TAC, Title 30, Environmental Quality dated January 1, 1994, January 1, 1997, December 31, 1999, or December 31, 2001. Texas made subsequent changes to these provisions but these changes have not been authorized by EPA. The provisions from earlier sets of regulations are noted in the table below.

Chapter 3, Section 3.2(25) “Person”; Chapter 20, Section 20.15; Chapter 35, Section 35.402(e); Chapter 39, Sections 39.5(g), 39.11, 39.103(a)(2), (b), (d)(4), and (g), 39.405(f)(1), 39.411 (except (b)(4)(B), (b)(10), (11), and (13)), 39.503(d) (except the reference to 39.405(h) in 39.503(d) introductory paragraph); Chapter 55, Sections 55.25(b)(1) through (3), 55.152(a)(3),

55.152(b), 55.154, and 55.156(b)(1); Chapter 281, Section 281.3(c);

Chapter 305, Subchapter A—General Provisions, Sections 305.1(a) (except the reference to Chapter 401, relative to Radioactive Materials); 305.2 introductory paragraph (except the references to Chapter 401, relative to Radioactive Materials and the reference to TWC 32.002); 305.2(1) (except the phrase “or a post-closure order”); 305.2(6), (11), (12), (14), (15), (19), (20), (24), (26), (27), (31) and (40)–(42); 305.3;

Chapter 305, Subchapter B—Emergency Orders, Temporary Orders, and Executive Director Authorizations, Sections 305.29(a) (January 1, 1997); 305.30;

Chapter 305, Subchapter C—Application for Permit, Sections 305.41 (except the reference to Chapter 401, relative to Radioactive Materials, the reference to TWC Chapter 32, and the last sentence addressing post-closure orders); 305.42(a) (except the phrase “or who requests a post-closure order * * * to obtain a post-closure order”); 305.42(b) and (d); 305.43(b) (except the two phrases “or post-closure orders”); 305.44 (except (d), the phrase “or post-closure orders” in (a)(1), and the phrase “or a post-closure order” in (c)); 305.45(a) (except (a)(7)(I) and (J), and the phrase “§305.54 of this title * * * Content of Applications,” in 305.45(a)(8)(C)); 305.45(b); 305.47 (except the phrases “or a recipient of a post-closure order” and “or order”); 305.50(a) introductory paragraph–(a)(3) (except the last two sentences in 305.50(a)(2)); 305.50(a)(4) introductory paragraph and (a)(4)(A); 305.50(4)(B)–(D) (January 1, 1994); 305.50(a)(4)(G); 305.50(a)(5)(8), (13) and (14); 305.51;

Chapter 305, Subchapter D—Amendments, Modifications, Renewals, Transfers, Corrections, Revocations, and Suspension of Permits, Sections 305.61; 305.62(a) (except the phrase in the first sentence “§305.70 of this title * * * Solid Waste Class I Modifications” and the phrase in the fifth sentence “If the permittee requests a modification of a municipal solid waste permit * * * §305.70 of this title.”); 305.62(b); 305.62(c) (January 1, 1997); 305.62(d) (except (d)(6)); 305.62(e)–(h); 305.63(a) introductory paragraph (except first sentence); 305.63(a)(1) and (2); 305.63(a)(3) (except last sentence); 305.63(a)(4)–(6); 305.64(a); 305.64(b) (except (b)(4) and (b)(5)); 305.64(c); 305.64(e); 305.64(g) (December 31, 1999); 305.66(a) (except (a)(7)–(a)(9)); 305.66(d); 305.67(a) and (b); 305.69(a)–(h) (January 1, 1997); 305.69(i)–(k) (except (k) A.8–A.10);

Chapter 305, Subchapter F—Permit Characteristics and Conditions, Sections 305.121 (except the phrases “radioactive material disposal” and “subsurface area drip dispersal systems”); 305.122(a)–(c); 305.124; 305.125 introductory paragraph; 305.125(2) and (4); 305.125(5) (except the last two sentences); 305.125(6) (January 1, 1997); 305.125 (7) and (8); 305.125(9) (except (9)(C)); 305.125(10) (except

the phrase “and 32”); 305.125(11) (except the phrase “as otherwise required by Chapter 336 of this title” relative to Radioactive Substances in (11)(B)); 305.125(12); 305.125(13) (December 31, 2001); 305.125(14)—(19), and (21); 305.127 introductory paragraph; 305.127(1)(B)(iii); 305.127(1)(E) and (F); 305.127(2); 305.127(3)(A) (except the last two sentences); 305.127(3)(B) and (C); 305.127(4)(B); 305.127(5)(C); 305.128;

Chapter 305, Subchapter G—Additional Conditions for Hazardous and Industrial Solid Waste Storage, Processing, or Disposal Permits, Sections 305.141 through 305.145; 305.146 introductory paragraph and (1) (January 1, 1997); 305.150;

Chapter 305, Subchapter I—Hazardous Waste Incinerator Permits, Sections 305.171 through 305.175;

Chapter 305, Subchapter J—Permits for Land Treatment Demonstrations Using Field Tests or Laboratory Analyses, Sections 305.181 through 305.184;

Chapter 305, Subchapter K—Research, Development and Demonstration Permits, Sections 305.191 through 305.194;

Chapter 305, Subchapter L—Groundwater Compliance Plan, Section 305.401(c);

Chapter 305, Subchapter Q—Permits for Boilers and Industrial Furnaces Burning Hazardous Waste, Sections 305.571; 305.572 (except (a)(6)); 305.573;

Chapter 324—Used Oil, Sections 324.1 through 324.2(6); 324.2 “Secondary containment” (January 1, 1997); 324.2(8) and (9); 324.3 (except 324.3(5)); 324.4; 324.6; 324.7; 324.11 through 324.14; 324.15 (January 1, 1997); 324.16; 324.21;

Chapter 335, Subchapter A—Industrial Solid Waste and Municipal Hazardous Waste in General, Sections 335.1 introductory paragraph (December 31, 2001); 335.1(1)–(4), (6)–(8), (10)–(12), (16), (17), (21), (22), (24)–(28), (31); 335.1(32) “Designated facility” (December 31, 2001); 335.1(33), (36)–(42), (43) (except for the phrase “or is used for neutralizing the pH of non-hazardous industrial solid waste”), (44)–(46), (48)–(53), (55)–(61), (64)–(73), (75)–(82), (83)–(86) (except the phrase “solid waste or” in each subsection), (87), (88)–(89) (except the phrase “solid waste or” in both subsections); 335.1(86) “Manifest” and (87) “Manifest document number” (December 31, 2001); 335.1(92), (93), (94) (except the phrase “solid waste or”), (95)–(108); 335.1(110) (except the phrase “solid waste or”), (111), (116), (117) (except the phrase “solid waste or”), (118)–(121), (123), (125)–(129), (131), (132), (133)(A)–(G) (except the phrase “Except for materials described in subparagraph (H) of this paragraph.” at (133)(D) and (G) introductory paragraphs), (133)(I) and (J), (134), (136)–(145) (except the phrase “solid waste or” at (138), (141) and (143)), (146) (except the phrase “or industrial solid”), (147), (148), (149) and (150) (except the phrase “or industrial solid” in both subsections), (152)–(154), (155) (except the phrase

“solid waste or”), (156)–(161), (162) (except the phrase “or industrial solid”), (163), (164) and (165) (except the phrase “solid waste or”); 335.2(a) and (c); 335.2(e)–(g); 335.2(i) (except the phrases “or decontamination” and “or obtain an order in lieu of a post-closure permit * * * of this section”); 335.2(j) and (l); 335.4; 335.5 (except (d)); 335.6(a); 335.6(b) (January 1, 1997); 335.6(c); 335.6(d) (except the last sentence) (January 1, 1994); 335.6(e) (January 1, 1994); 335.6(f)–(j); 335.7 (December 31, 1999); 335.8(a)(1) and (2); 335.9(a) (except (a)(2) and (3)); 335.9(a)(2) and (3) (January 1, 1997); 335.9(b) (January 1, 1994); 335.10(a) introductory paragraph and (a)(1) (except references to “class 1 wastes”) (January 1, 1994); 335.10(a)(3) (except the phrase “, unless the generator is identified in paragraph (2) of this section”) (December 31, 2001); 335.10(a)(4) (December 31, 2001); 335.10(a)(6); 335.10(b) (except 335.10(b)(5), (8), and (18)) (December 31, 2001); 335.10(b)(5), (8), and (18) (January 1, 1994); 335.10(c) (except the phrase “the United States customs official.”) (December 31, 2001); 335.10(d) and (e) (December 31, 2001); 335.10(f); 335.11 (except 11(d)) (December 31, 2001); 335.12 (except 335.12(a)(5) and (d)); 335.13(a) (January 1, 1997); 335.13(c) and (d) (January 1, 1994); 335.13(e) and (f) (January 1, 1997); 335.13(g) (January 1, 1994); 335.14; 335.15 introductory paragraph (January 1, 1994); 335.15(1); 335.17(a); 335.18(a); 335.19 (except 335.19(d)); 335.20 through 335.22; 335.23 (except (2)); 335.23(2) (January 1, 1994); 335.24(a)–(f); 335.24(m) and (n); 335.29; 335.29(2) and (3) (December 31, 2001); 335.30; 335.31;

Chapter 335, Subchapter B—Hazardous Waste Management General Provisions, Sections 335.41(a)–(c); 335.41(d) (except (d)(1) and (d)(5)–(8)); 335.41(d)(1) (December 31, 2001); 335.41(e); 335.41(f) (except (f)(2)(A)(iii)); 335.41(f)(2)(A)(iii) (December 31, 2001); 335.41(g) and (h); 335.41(j); 335.43 and 335.44 (December 31, 1999); 335.45; 335.47 (except 335.47(b) and the second sentence in (c)(3)); 335.47(b) (December 31, 1999);

Chapter 335, Subchapter C—Standards Applicable to Generators of Hazardous Waste, Sections 335.61 (except (f)); 335.62; 335.63; 335.65; 335.66; 335.67 and 335.68 (December 31, 2001); 335.69 (except (i) and (m)); 335.70; 335.71 (January 1, 1994); 335.73 through 335.75; 335.76 (except 335.76(d) and (h)); 335.76(d) (December 31, 2001); 335.77; 335.78 (except (b), (d)(2), (e) introductory paragraph, (f)(2), and (g)(2)); 335.78(b), (e) introductory paragraph, (f)(2), and (g)(2) (January 1, 1997);

Chapter 335, Subchapter D—Standards Applicable to Transporters of Hazardous Waste, Sections 335.91 (except (e)); 335.92; 335.93 (except (e)); 335.93(e) (December 31, 1999); 335.94 (except the phrase “owned or operated by a registered transporter” in (a) introductory paragraph);

Chapter 335, Subchapter E—Interim Standards for Owners and Operators of Hazardous

Waste Storage, Processing, or Disposal Facilities, Sections 335.111(a)-(c); 335.112(a) (except (a)(4)-(7) and (a)(17)); 335.112(a)(4)-(6) (December 31, 2001); 335.112(a)(7) (January 1, 1997); 335.112(b) (except (b)(4)(I) and (J), and (b)(7)); 335.112(c); 335.113; 335.114 (January 1, 1997); 335.115 introductory paragraph (January 1, 1997); 335.115(1)-(4); 335.116 (except (g) and the phrase “and (g)” at (b)); 335.117 (except (a)(2)(B), (a)(2)(C), and (b)(2)); 335.117(a)(2)(B), (a)(2)(C), and (b)(2) (January 1, 1997); 335.118(a); 335.118(b) (December 31, 2001); 335.119(a) and (b) (December 31, 2001); 335.120 through 335.127;

Chapter 335, Subchapter F—Permitting Standards for Owners and Operators of Hazardous Waste Storage, Processing, or Disposal Facilities, Sections 335.151(a)-(c); 335.152 (except (a)(4)-(6)); 335.152(a)(4) (January 1, 1997); 335.152(a)(5) (December 31, 2001); 335.152(a)(6) (January 1, 1997); 335.152(b); 335.152(c) (except (c)(5)-(7)); 335.153; 335.154 (January 1, 1997); 335.155 introductory paragraph (January 1, 1997); 335.155(1)-(3); 335.156(a) introductory paragraph through (2) (except the phrase “or (3)” at (a)(1) and the phrase “Except as provided * * * subsection,” at (a)(2)); 335.156(b) and (c); 335.157 through 335.166; 335.167(a) (except the phrase “or post-closure order”); 335.167(b) and (c) (December 31, 1999); 335.168 through 335.178;

Chapter 335, Subchapter G—Location Standards for Hazardous Waste Storage, Processing, or Disposal, Sections 335.201(a) (except (a)(3)); 335.201(c); 335.202 introductory paragraph; 335.202(2), (4), (9)-(11), (13), (15)-(18); 335.203; 335.204(a) introductory paragraph—(a)(5); 335.204(b)(1)-(6); 335.204(c)(1)-(5); 335.204(d)(1)-(5); 335.204(e) introductory paragraph; 335.204(e)(1) introductory paragraph (except the phrase “Except as * * * (B) of this paragraph,” and the word “event” at the end of the paragraph); 335.204(e)(2)-(7); 335.204(f); 335.205(a) introductory paragraph—(a)(2) and (e);

Chapter 335, Subchapter H—Standards for the Management of Specific Wastes and Specific Types of Facilities, Sections 335.211; 335.212; 335.213 (January 1, 1997); 335.214; 335.221; 335.222 through 335.225; 335.241(except (b)(4) and (d)); 335.241(d) (January 1, 1997); 335.251; 335.261 (except (e)) (December 31, 2001); 335.271; 335.272;

Chapter 335, Subchapter O—Land Disposal Restrictions, Section 335.431;

Chapter 335, Subchapter R—Waste Classification, Sections 335.504 introductory paragraph—(3); 335.504(4) (December 31, 1999).

Copies of the Texas regulations that are incorporated by reference are available from West Group, 610 Opperman Drive, Eagan, 55123, ATTENTION: Order Entry; Phone: 1-800-328-9352; Web site: <http://west.thomson.com>.

UTAH

The regulatory provisions include:

Utah Administrative Code effective February 15, 1996: Sections R315-1 except R315-1-1(a), R315-1-1(f)&(h) and R315-1-2(a); R315-2 except R315-2-3(d)(2), R315-2-5, R315-2-6, R315-2-10(e)&(f), R315-2-11(e)&(f), R315-2-17, and R315-2-25(d); R315-3 except R315-3-1(b)&(c), R315-3-3(b)(3), R315-3-3(i)(1)-(3), R315-3-3(n)(8)(iv), R315-3-11(a)&(b), R315-3-11(f), R315-3-13(a)(4), R315-3-16(b), R315-3-23(b)(1)&(2), R315-3-23(c)&(d), R315-3-24 through R315-3-29, R315-3-34 and R315-3-36; R315-4 through R315-7, except R315-7-8.1(c)(12)(iv), R315-7-18.9(d)(2)(i)(A) phrase “given the specific site conditions and the nature and extent of contamination”; R315-8 except R315-8-1(e)(10)(iv), R315-8-6.1(a)(3), R315-8-6.12(b), R315-8-11.2(e) phrase “given the specific site conditions and the nature and extent of contamination”; R315-8-14.10(b); R315-9; R315-14 except R315-14-3, R315-14-4, and R315-14-7; R315-16 except R315-16-1.1(a)(4), R315-16-1.6, R315-16-1.7(c), R315-16-1.7(g), R315-16-1.7(1)(4), R315-16-2.4(d), R315-16-2.5(e), R315-16-2.12, R315-16-3.4(d), R315-16-3.5(e), R315-16-3.6(c)(2) word “lamp”, R315-16-3.10(a)(2) word “lamp”, R315-16-3.10(b)(2) word “lamp”, R315-16-3.12, R315-16-5.1(a); R315-50 except R315-50-9, R315-50-10, R315-50-12, and R315-50-13.

Utah Administrative Code revised as of May 15, 1996: Section R315-15, except R315-15-1.1(j)&(k), R315-15-1.3(b), R315-15-2.1(a)(1)&(4), R315-15-2.3(c)(1), R315-15-2.3(d), R315-15-2.4(a), R315-15-2.4(d)&(e), R315-15-3.1(b), R315-15-3.2(a), R315-15-4.6(f), R315-15-5.1(c), R315-15-5.5(e), R315-15-6.5(e), R315-15-7.1(d), R315-15-8.3, R315-15-9, R315-15-10, R315-15-11 with respect to used oil transfer and off-specification used oil burning facilities, R315-15-12, R315-15-13.5(a)-(c) &(e), R315-15-14, and R315-15-15.

Utah Administrative Code revised as of October 16, 1997: R315-2-3(d)(2), R315-2-10(e), R315-8-6.12(b), R315-8-14.10(b), R315-15-1.3(b), R315-15-2.1(a)(1)&(4), R315-15-2.3(c)(1), R315-15-2.3(d), R315-15-2.4(a), R315-15-2.4(d)&(e), R315-15-3.1(b), R315-15-3.2(a), R315-15-4.6(f), R315-15-5.5(e), R315-15-6.5(e), R315-15-8.3, and R315-15-9.

Utah Administrative Code revised as of February 20, 1998: R315-1-1(a), R315-1-2(a), R315-2-5, R315-2-6, R315-2-10(f), R315-2-11(e), R315-2-11(f), R315-2-17, R315-3-3(b)(3), R315-13-1, R315-14-7, R315-16-5.1(a), R315-50-9, R315-50-10, and R315-50-12.

Copies of the Utah regulations that are incorporated by reference are available from the Utah Department of Environmental Quality, 288 North 1460 West, Salt Lake City, Utah 84114-4880, Phone (801) 538-6776.

WISCONSIN

The regulatory provisions include: The Wisconsin Administrative Code, 2006/2007 Edition, sections NR 660.01, 660.02, 660.07, 660.10, 660.11, 660.20-660.23, 660.30-660.33, 660.40, 660.41, 661.01-661.04, 661.06-661.11, 661.20-661.24,

Environmental Protection Agency

Pt. 272, App. A

661.30–661.33, 661.35 and 661.38 and chapter NR 661 Appendix I, II, III, VII and VIII, sections NR 662.010–662.012, 662.020, 662.022, 662.023, 662.027, 662.030–662.034, 662.040–662.043, 662.050–662.058, 662.060, 662.070, 662.080–662.087, 662.089, 662.190–662.194, 662.220, 663.10–663.13, 663.20–663.22, 663.30, 663.31, 664.0001, 664.0003, 664.0004, 664.0010–664.0019, 664.0025, 664.0030–664.0035, 664.0037, 664.0050–664.0056, 664.0070–664.0077, 664.0090–664.0101, 664.0110–664.0120, 664.0140–664.0148, 664.0151, 664.0170–664.0179, 664.0190–664.0200, 664.0220–664.0223, 664.0226–664.0232, 664.0250–664.0259, 664.0270, 664.0300–664.0304, 664.0309, 664.0310, 664.0312–664.0317, 664.0340–664.0345, 664.0347, 664.0351, 664.0550–664.0555, 664.0570–664.0575, 664.0600–664.0603, 664.1030–664.1036, 664.1050–664.1065, 664.1080–664.1090, 664.1100–664.1102 and 664.1200–664.1202, chapter NR 664 Appendix I, IV, V and IX, sections NR 665.0001, 665.0004, 665.0010–665.0019, 665.0030–665.0035, 665.0037, 665.0050–665.0056, 665.0070–665.0077 (excluding 665.0071(1)(b)6), 665.0090–665.0094, 665.0110–665.0121, 665.0140–665.0148, 665.0170–665.0174, 665.0176–665.0178, 665.0190–665.0200, 665.0202, 665.0220–665.0226, 665.0228–665.0231, 665.0250–665.0260, 665.0270, 665.0300–665.0304, 665.0309, 665.0310, 665.0312–665.0316, 665.0340, 665.0341, 665.0345, 665.0347, 665.0351, 665.0352, 665.0370, 665.0373, 665.0375, 665.0377, 665.0381–665.0383, 665.0400–665.0406, 665.0430, 665.0440–665.0445, 665.1030–665.1035, 665.1050–665.1064, 665.1080–665.1090, 665.1100–665.1102 and 665.1200–665.1202, chapter NR 665 Appendix I, III, IV, V and VI, sections NR 666.020–666.023, 666.070, 666.080, 666.100–666.112, 666.200–666.206, 666.210, 666.220, 666.225, 666.230, 666.235, 666.240, 666.245, 666.250, 666.255, 666.260, 666.305, 666.310, 666.315, 666.320, 666.325, 666.330, 666.335, 666.340, 666.345, 666.350, 666.355, 666.360, chapter NR 666 Appendix I–IX and XI–XIII, sections NR 668.01–668.07, 668.09, 668.14, 668.30–668.46 and 668.48–668.50, chapter NR 668 Appendix III, IV, VI–IX and XI, sections NR 670.001, 670.002, 670.004, 670.005, 670.010–670.019, 670.021–670.033, 670.040–670.043, 670.050, 670.051, 670.061, 670.062, 670.065, 670.066, 670.068, 670.070–670.073, 670.079, 670.235, 670.401, 670.403–670.406, 670.408–670.412, 670.415, 670.417, and 670.431–670.433, chapter NR 670 Appendix I, sections NR 673.01–673.05, 673.09–673.20, 673.30–673.40, 673.50–673.56, 673.60–673.62, 673.70, 673.80, 673.81, 679.01, 679.10–679.12, 679.20–679.24, 679.30–679.32, 679.40–679.47, 679.50–679.67, 679.70–679.75, and 679.80–679.82.

Copies of the Wisconsin regulations that are incorporated by reference can be obtained from: Legislative Reference Bureau, One East Main Street, Suite 200, Madison, Wisconsin 53701–2037.

[58 FR 3500, Jan. 11, 1993]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting appendix A to part 272, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

EFFECTIVE DATE NOTE: At 77 FR 29235, May 17, 2012, Appendix A to Part 272 was amended by revising the listing for “Oklahoma”, effective July 16, 2012. For the convenience of the user, the revised text is set forth as follows:

APPENDIX A TO PART 272—STATE REQUIREMENTS

* * * * *

OKLAHOMA

The statutory provisions include:

Oklahoma Hazardous Waste Management Act, as amended, 27A Oklahoma Statute (O.S.) 1997 Edition (unless otherwise specified), Sections 2–7–103 (2008 supplement), 2–7–108(A) (2010 Annual Cumulative Pocket Part), 2–7–108(B)(1) (2010 Annual Cumulative Pocket Part), 2–7–108(B)(3) (2010 Annual Cumulative Pocket Part), 2–7–108(C) (2010 Annual Cumulative Pocket Part), 2–7–110(B), 2–7–110(C), 2–7–111(A), 2–7–111(B), 2–7–111(C)(1), 2–7–111(C)(2)(a), 2–7–111(D), 2–7–111(E), 2–7–112, 2–7–116(B) through 2–7–116(F), 2–7–116(H)(2), 2–7–118, 2–7–124, 2–7–125 (2010 Annual Cumulative Pocket Part), 2–7–127 and 2–10–301(G) (2010 Annual Cumulative Pocket Part), as published by West Publishing Company, 610 Opperman Drive, P.O. Box 64526, St. Paul, Minnesota 55164 0526; Phone: 1–800–328–4880; Web site: <http://west.thomson.com>.

The regulatory provisions include:

The Oklahoma Administrative Code (OAC), Title 252, Chapter 205, effective July 1, 2009: Subchapter 1, Sections 252:205–1–1(a), 252:205–1–1(c) introductory paragraph, 252:205–1–1(c)(1), 252:205–1–2 introductory paragraph, 252:205–1–2 “OHWMA”, 252:205–1–2 “Post-closure permit”, 252:205–1–3(c); Subchapter 3, Sections 252:205–3–1, 252:205–3–2(a)(2), 252:205–3–2(b)–(n), 252:205–3–4, 252:205–3–5 and 252:205–3–6; Subchapter 5, Sections 252:205–5–1 (except 252:205–5–1(4)), 252:205–5–2 through 252:205–5–5; Subchapter 7, Sections 252:205–7–2 and 252:205–7–4 (except the phrase “or in accordance with 252:205–15–1(d)”; Subchapter 9, Sections 252:205–9–1 through 252:205–9–4; Subchapter 11, Sections 252:205–11–1(a) (except the word “recycling”), 252:205–11–1(b)–(e) and 252:205–11–2; and Subchapter 13, Sections 252:205–13–1(a)–(e), as published by the State’s Office of Administrative Rules, Secretary of State, P.O. Box 53390, Oklahoma City, OK 73152–3390; Phone number: 405–521–4911; Web site: www.sos.state.ok.us/oar/oar_welcome.htm.

* * * * *

PART 273—STANDARDS FOR UNIVERSAL WASTE MANAGEMENT

Subpart A—General

Sec.

- 273.1 Scope.
- 273.2 Applicability—batteries.
- 273.3 Applicability—pesticides.
- 273.4 Applicability—Mercury-containing equipment.
- 273.5 Applicability—lamps.
- 273.6–273.7 [Reserved]
- 273.8 Applicability—household and conditionally exempt small quantity generator waste.
- 273.9 Definitions.

Subpart B—Standards for Small Quantity Handlers of Universal Waste

- 273.10 Applicability.
- 273.11 Prohibitions.
- 273.12 Notification.
- 273.13 Waste management.
- 273.14 Labeling/marketing.
- 273.15 Accumulation time limits.
- 273.16 Employee training.
- 273.17 Response to releases.
- 273.18 Off-site shipments.
- 273.19 Tracking universal waste shipments.
- 273.20 Exports.

Subpart C—Standards for Large Quantity Handlers of Universal Waste

- 273.30 Applicability.
- 273.31 Prohibitions.
- 273.32 Notification.
- 273.33 Waste management.
- 273.34 Labeling/marketing.
- 273.35 Accumulation time limits.
- 273.36 Employee training.
- 273.37 Response to releases.
- 273.38 Off-site shipments.
- 273.39 Tracking universal waste shipments.
- 273.40 Exports.

Subpart D—Standards for Universal Waste Transporters

- 273.50 Applicability.
- 273.51 Prohibitions.
- 273.52 Waste management.
- 273.53 Storage time limits.
- 273.54 Response to releases.
- 273.55 Off-site shipments.
- 273.56 Exports.

Subpart E—Standards for Destination Facilities

- 273.60 Applicability.
- 273.61 Off-site shipments.
- 273.62 Tracking universal waste shipments.

Subpart F—Import Requirements

- 273.70 Imports.

Subpart G—Petitions To Include Other Wastes Under 40 CFR Part 273

- 273.80 General.
- 273.81 Factors for petitions to include other wastes under 40 CFR part 273.

AUTHORITY: 42 U.S.C. 6922, 6923, 6924, 6925, 6930, and 6937.

SOURCE: 60 FR 25542, May 11, 1995, unless otherwise noted.

Subpart A—General

§ 273.1 Scope.

(a) This part establishes requirements for managing the following:

- (1) Batteries as described in 40 CFR 273.2;
- (2) Pesticides as described in § 273.3;
- (3) Mercury-containing equipment as described in § 273.4; and
- (4) Lamps as described in § 273.5.

(b) This part provides an alternative set of management standards in lieu of regulation under 40 CFR parts 260 through 272.

[60 FR 25542, May 11, 1995, as amended at 64 FR 36488, July 6, 1999; 70 FR 45520, Aug. 5, 2005]

§ 273.2 Applicability—batteries.

(a) *Batteries covered under 40 CFR part 273.* (1) The requirements of this part apply to persons managing batteries, as described in § 273.9, except those listed in paragraph (b) of this section.

(2) Spent lead-acid batteries which are not managed under 40 CFR part 266, subpart G, are subject to management under this part.

(b) *Batteries not covered under 40 CFR part 273.* The requirements of this part do not apply to persons managing the following batteries:

(1) Spent lead-acid batteries that are managed under 40 CFR part 266, subpart G.

(2) Batteries, as described in § 273.9, that are not yet wastes under part 261 of this chapter, including those that do not meet the criteria for waste generation in paragraph (c) of this section.

(3) Batteries, as described in § 273.9, that are not hazardous waste. A battery is a hazardous waste if it exhibits